2067

SUPREME COURT OF THE UNITED STATES.

No. 74.

ELI AYRES AND THOMAS N. NILES, COMPLAINANTS ON CROSS-BILL, APPELLANTS,

vs.

HIRAM CARVER, JOSEPH W. MATTHEWS, JAS. BROWN, JACOB THOMPSON, JOHN P. JONES, WILLIAM H. DUKE, AND JOHN D. BRADFORD.

APPEAL FROM THE DISTRICT COURT UNITED STATES FOR THE NORTHERN DISTRICT OF MISSISSIPPI.

INDEX.

	Original.	Print.
Bill of complaint	1	1
Exhibit A	35	18
Motion by complainant for hearing	75	67
Order of court	75	67
Subpœna	76	68
Marshal's return	82	71
Answer of James Brown	82	71
Replication of Hiram Carver to Carver's answer	88	74
Exhibit No. 1 to James Brown's answer	89	75
Answer of John P. Jones	95	79
Replication of Carver to answer of Jones	100	82
Answer of Jacob Thompson	100	82
Replication of Carver to answer of Thompson	104	84
Answer of Wm. H. Duke	105	84
Replication of Carver to answer of Duke	110	86
Joint answer of Thomas N. Niles and Eli Ayres	111	87
Replication of Carver to answer of Niles and Ayres	125	94
Exhibit No. 1 and F to answer and cross-bill of Niles and Ayres	126	95
Exhibit No. 2 and F to answer and cross-bill of Niles and Ayres	143	105
Exhibit No. 4 and G to answer and cross-bill of Niles and Ayres	160	112
Cross-bill of Niles and Ayres	181	135
Motion by complainant in cross-bill for hearing	204	147
" sustained	205	148
Subpœna	206	148
Order of court	210	150
Marshal's return	211	150
Order to enter decree pro confesso	212	151

GIBSON, print.

	Original.	Print.
Rule for decree pro confesso	212	151
Writ of subpœna	215	153
Marshal's return	220	155
Order to enter pro confesso against Carver	220	155
Demurrer of Carver to cross-bill	221	156
Exceptions of Niles and Ayres to filing demurrer	223	157
Motion to take from the files the answer of Wm. H. Duke to cross-bill.	224	157
" sustained and answer withdrawn	225	158
Motion to enter pro confesso against Carver overruled	226	158
Motions and orders	226	158
Affidavit of James Brown	230	160
Affidavit of J. P. Jones	231	161
Order of court	233	162
Demurrer of defendants Brown, Jones, Thompson, and Duke, to cross-bill	233	162
Agreement to argue demurrer of Carver in vacation	235	163
Answer of Wm. H. Duke to cross-bill	236	164
Attachment against Bradford	237	165
Motion to revive against the representatives of Wm. H. Duke	240	166
Writ of subpœna	243	167
Marshal's return	245	167
Bill of revivor	245	168
Writ of subpœna	248	169
Marshal's return	249	170
Agreement of counsel	250	170
Decree dismissing cross-bill	252	171
Appeal prayed and allowed	253	172
Motion to retax costs	253	172
" overruled	254	172
Appeal bond	254	172
Leave granted to make the legal representatives of Thos. N. Niles parties	256	173
Subpœna	257	174
Marshal's return	258	174
Subpœna against the heirs and legal representatives of John P. Jones	259	175
Clerk's certificate	261	175

Exemplification.

HIRAM CARVER
vs.
JOS. W. MATTHEWS et al.

Pleas had at a district court of the United States for the northern district of Mississippi, begun and held at the town of Pontotoc, in and for said district, on the first Monday of June, A. D. 1851, on the chancery side of the docket of said court.

Present the honorable Samuel J. Gholson, sitting in chancery.

Be it remembered that on the 2d day of June, A. D. 1851, Hiram Carver, complainant, a citizen of the State of Alabama, filed in the office of the clerk of said court his certain bill of complaint, in the words and figures following, to wit:

To the Judges of the district court of the United States for the northern district of Mississippi.

Hiram Carver, of Marion county, and a citizen of the State of Alabama, brings this his bill against Joseph W. Matthews, of Marshall county, and a citizen of the State of Mississippi; James Brown, of Lafayette county, and a citizen of the State of Mississippi; Jacob Thompson and Thomas L. Jones, of Lafayette county, and citizens of the State of Mississippi; John Peyton Jones, of Lafayette county, and a citizen of the State of Mississippi; Eli M. Driver, of Memphis, Tennessee, and a citizen of the State of Tennessee; Thomas B. Hoover, of , a citizen of the State of ; Jesse Heard, of Madison county, and a citizen of the State of Mississippi; James Brown, of Lafayette county, and a citizen of the State of Mississippi, and Pittser Miller, of county, and a citizen of the State of Tennessee; Gully M. Brown, of county, and a citizen of the State of Mississippi; William J. Jones, of county, and a citizen of the State of ; John N. Wilie's unknown heirs, of county, and citizens of the State of Mississippi; Weldon Jones, of county, and citizen of the State of Mississippi; Richard E. Orne, of county, and a citizen of the State of ; Jane Eades, of county, and a citizen of the State of ; Anthony B. Lambeth, of county, a citizen of the State of ; Daniel Lawrence, of county, and a citizen of the State of ; Mary E. Mitchell, of county, and a citizen of the State of ; George Work, of Hinds county, and a citizen of the State of Mississippi; James Brown, of Lafayette county, and a citizen of the State of Mississippi, and Austin Miller, of county, and a citizen of the State of Tennessee; Thomas N. Niles, of Pontotoc county, and a citizen of the State of Mississippi; Steppacher & Bissinger, of Pontotoc county, and citizens of the State of Mississippi; Robert W. Edmondson, of

Pontotoc county, and a citizen of the State of Mississippi; William J. Nelson, of county, and a citizen of the State of , and William Hawes Deadrick Wendel, of county, and a citizen of the State of ; Benjamin M. Bradford, of Monroe county, and a citizen of the State of Mississippi; John Davis, of De Soto county, and a citizen of the State of Mississippi; Samuel P. Sheldon, of county, and a citizen of the State of ; John D. Martin, of Marshall county, and a citizen of the State of Mississippi; Levi J. Taylor, of county, and a citizen of the State of ; Alexander Matthews, of county, and a citizen of the State of ; John A. McNeil, of Pontotoc county, and a citizen of the State of Mississippi; Hugh Craft, of Marshall county, and a citizen of the State of ; Daniel Saffrons, of Shelby county, and a citizen of the State of Tennessee; John A. Sims and Leray Sims, of Marshall county, and citizen of the State of ; Thomas J. Malone, of county, and a citizen of the State of ; Elizabeth V. Lockridge, of county, and a citizen of the State of ; James Perry, of county, and a citizen of the State of ; Franklin Smith, of county, and a citizen of the State of ; William S. Neilson, of county, and a citizen of the State of ; Samuel Bullen, of county, and a citizen of the State of ; Littlebury Leftwick's unknown heirs, whose residence and citizenship is also unknown; William S. Lively, of county, and a citizen of ; Elliot Jones's unknown heirs, whose residence and citizenship is also unknown, and Andrew J. Jones, of county, and a citizen of the State of ; Branch Morgan, of county, and a citizen of the State of ; Hugh McGehee, of Panola county, and a citizen of the State of Mississippi; Allen Elan, of county, and a citizen of the State of ; Samuel M. Cowan, of county, and a citizen of the State of ; John Cowan, of county, and a citizen of the State of ; James Greer, of county, and a citizen of the State of ; James Barbee, of county, and a citizen of the State of ; Charles H. Morgan, of county, and a citizen of the State of ; James Laughlin, of county, and a citizen of the State of ; Wiley Smith, of county, and a citizen of the State of ; Andrew J. Saunders, of county, and a citizen of the State of ; G. W. Saunders, of county, and a citizen of the State of ; William H. Kilpatrick, of Pontotoc county, and a citizen of the State of Mississippi; Samuel H. Nelms, of county, and a citizen of the State of ; Henry N. Rayburn, of county, and a citizen of the State of ; William H. Duke, of Pontotoc county, and a citizen of the State of Mississippi; Jared Kirley, of county, and a citizen of the State of ; Moses Perkins, of county, and a citizen of the State of ; John Perkins, of county, and a citizen of the State of ; Charles G. Butler, of county, and a citizen of the State of ; Zachariah N. Bennett, of county, and a citizen of the State of ; Mary L. Ellis, of county, and a citizen of the

2069.

State of ; Francis Hudson, of county, and a citizen of the State of ; Cynthia Ann Bayles, of county, and a citizen of the State of ; Gordentia Waite, of Marshall county, and a citizen of the State of Mississippi; Holland W. Middleton of county, and a citizen of the State of ; John F. Barefoot, of county, and a citizen of the State of ; Elizabeth Marshall, of county, and a citizen of the State of ; James Baker, of county, and a citizen of the State of ; Peyton R. Gill, of county, and a citizen of the State of ; John A. Mairs, of county, and a citizen of the State of ; William H. Mairs, of county, and a citizen of the State of ; Richard Baker, of county, and a citizen of the State of ; Jacob B. Pitcock, of county, and a citizen of the State of ; Wiley B. Miller, of county, and a citizen of the State of ; William Thrasher, of county, and a citizen of the State of ; William R. Con, of county, and a citizen of the State of ; Alfred Carter, of county, and a citizen of the State of ; James B. Beard, of county, and a citizen of the State of ; Jesse Ward, of county, and a citizen of the State of ; Charles F. Glepon, of county, and a citizen of the State of ; Eliza F. Morris, of county, and a citizen of the State of ; James B. Waters, of county, and a citizen of the State of ; James A. Chapman, of county, and a citizen of the State of ; James H. Unthank, of county, and a citizen of the State of ; James M. Howny, of Lafayette county, and a citizen of the State of Mississippi, Elizabeth Rayburn, of county, and a citizen of the State of ; Moore Moone, of Tallahatchie county, and a citizen of the State of Mississippi; Harrelson McMinn, of county, and a citizen of the State of ; Edmond D. Green, of county, and a citizen of the State of ; Woodson Young, of county, and a citizen of the State of ; George G. Reneau, of Pontotoc county, and a citizen of the State of Mississippi; Julaan Fowler, of county, and a citizen of the State of ; Anthony W. Wright, of county, and a citizen of the State of ; William Noll, of county, and a citizen of the State of ; George W. Dayton, of county, and a citizen of the State of ; John D. Bradford, of Pontotoc county, and a citizen of the State of Mississippi; Robert H. Bagley, of county, and a citizen of the State of ; Joseph J. Caldwell, of Panola county, and a citizen of the State of Mississippi, and Martha Ann Bell, of county, and a citizen of the State of ; Benjamin McCullar, of county, and a citizen of the State of ; Grissilla M. Pou, of county, and a citizen of the State of ; Andrew J. Walker, of county, and a citizen of the State of ; Henry Allen, of county, and a citizen of the State of ; James B. Waters, of county, and a citizen of the State of , and Duncan C. Williams, of county, and a citizen of the State of ; John Keith, of

county, and a citizen of the State of ; John C. Hubbeard, of county, and a citizen of the State of ; George Armstrong, of county, and a citizen of the State of ; Porter R. Gill, of county, and a citizen of the State of ; Reuben J. Patton, of county, and a citizen of the State of ; Alexander McCullar, of county, and a citizen of the State of ; James McGehee, of county, and a citizen of the State of ; Maral Hill, of county, and a citizen of the State of ; Andrew J. Magee, of Panola county, and a citizen of the State of Mississippi; Alexander McGee, of county, and a citizen of the State of ; Hewlet S. Mitchell, of county, and a citizen of the State of ; John McCullar, of county, and a citizen of the State of ; John Kemp's unknown heirs, residence and citizenship unknown; Benjamin Middleton, of county, and a citizen of the State of ; Duke and Duke, executors of Hardy Benson, of Pontotoc county, and a citizen of the State of Mississippi; Jacob Kuikendall, of Panola county, and a citizen of the State of Mississippi; John M. Bradford, of county, and a citizen of the State of ; Morton Dudley, of county, and a citizen of the State of ; Samuel S. Raburn, of county, and a citizen of the State of ; John Hiner, of Chickasaw county, and a citizen of the State of Mississippi; James D. Goins, of county, and a citizen of the State of ; Mary Andrews, of county, and a citizen of the State of ; John G. Henly, of Chickasaw county, and a citizen of the State of Mississippi; Stephen Saunders, of Chickasaw county, and a citizen of the State of Mississippi; Aaron M. Cook, of county, and a citizen of the State of ; William Whitfield, of Loundes county, and a citizen of the State of Mississippi; Jonathan Hunt, of county, and a citizen of the State of ; Daniel W. Ragsdale, of Monroe county, and a citizen of the State of Mississippi; Samuel A. Paden, of county, and a citizen of the State of , and John M. Paden, of county, and a citizen of the State of ; Caleb Cox, of county, and a citizen of the State of ; David J. Montgomery, of county, and a citizen of the State of ; Daniel J. Dunn, of county, and a citizen of the State of ; George W. Graham, of county, and a citizen of the State of ; Samuel Rankin, of county, and a citizen of the State of ; John H. Grayham, of county, and a citizen of the State of ; Elijah H. Dabbs, of county, and a citizen of the State of ; Edmond W. Rootes, of Pontotoc county, and a citizen of the State of Mississippi; John McRae, of county, and a citizen of the State of ; Henry Duke, of Pontotoc county, and a citizen of the State of Mississippi; William T. Gilmon, of county, and a citizen of the State of ; Edward Maxey, of county, and a citizen of the State of ; John Beauchamp, of county, and a citizen of the State of , and Levi P. Beauchamp, of county, and a citizen of the State of ; Amon May, of county, and a citizen of the State

of ; William Burleson, of county, and a citizen of the State of ; William F. Finley, of county, and a citizen of the State of ; Doctor Nunan Cayce, of county, and a citizen of the State of ; Counsell Cooper, of county, and a citizen of the State of ; Birchat Payne, of county, and a citizen of the State of ; Alfred Maxey, of county, and a citizen of the State of ; Edward T. Leech, of county, and a citizen of the State of ; Alexander Thompson, of county, and a citizen of the State of ; James Wird, of county, and a citizen of the State of ; William G. Campbell, of county, and a citizen of the State of ; Allen Kendrick, of county, and a citizen of the State of ; Winship S Petty, of county, and a citizen of the State of ; William Stockston, of county, and a citizen of the State of ; James Thomas, of county, and a citizen of the State of ; Edward P. Carlos, of county, and a citizen of the State of ; Calvin A. Taylor, of county, and a citizen of the State of ; Bennett S. Trice, of county, and a citizen of the State of ; John Marshall, of county, and a citizen of the State of ; James Bromley, of county, and a citizen of the State of ; Samuel Edwards, of county, and a citizen of the State of ; Samuel P. Johnson, of county, and a citizen of the State of ; James Caruthers, of county, and a citizen of the State of ; Joseph Woodruff, of county, and a citizen of the State of ; Henry Chumpert, of county, and a citizen of the State of ; John Tally, of county, and a citizen of the State of ; James M. Harris, of county, and a citizen of the State of ; Wilkes G. Connell, of county, and a citizen of the State of ; Solomon M. Cunningham, of county, and a citizen of the State of ; John Bouland, of county, and a citizen of the State of ; Solomon Evins, of county, and a citizen of the State of ; William Walker, of county, and a citizen of the State of ; Thomas Walker, of county, and a citizen of the State of ; John G. Randolph, of county, and a citizen of the State of ; John Potts, of county, and a citizen of the State of ; Samuel Modlin, of county, and a citizen of the State of ; Peter F. Boon, of county, and a citizen of the State of ; William Lasley, of county, and a citizen of the State of ; Martha Griffis, of county, and a citizen of the State of ; Benjamin F. Osborn, of county, and a citizen of the State of ; Margaret Ladd, of county, and a citizen of the State of ; David A. Woodall, of county, and a citizen of the State of .

And thereupon your orator complains and says, that on the 20th day of October, A. D. 1832, at the counsel-house of the Chickasaw nation at Pontotoc creek, a treaty was made and concluded by and between the Government of the United States and the Chickasaw tribe of In-

dians, and which was duly ratified on the 1st day of March, 1833; that by said treaty it was provided, among other things, that in consideration of the matters and things therein expressed, the said Chickasaw Nation ceded to the United States all the land which they then owned on the east side of the Mississippi river, including all the country where they then lived and occupied; that the United States agreed to have the whole country, thus ceded, surveyed, so soon as the same could be conveniently done, in the same manner that the public lands of the United States were surveyed in the State of Mississippi and Alabama, and so soon thereafter as might be practicable to have the same prepared for sale; that the President of the United States would then offer the same for sale at public auction in the same manner and on the same terms and conditions as the other public lands; that such of said lands as might not sell at public sales should be offered at private sale in the same manner that other private sales were then being made of the United States land; and your orator states that all of said lands have been duly surveyed.

Your orator further says, that afterwards another treaty was made and concluded between the United States and the said Chickasaw tribe of Indians at Washington city, on the 24th day of May, 1834, and which was also duly ratified on the 1st day of July, 1834; that said last mentioned treaty greatly changed and modified the treaty of Pontotoc creek in many important particulars; that by the treaty of Washington city, among other things, it was agreed that certain reservations of land should be granted in fee to heads of families, being Indians, and others, and the reservations taken and located under the treaty of Washington city should be made as speedily as might be after the surveys should be completed, so that the residue of the Chickasaw country, not reserved as therein provided, should be sold as other public lands of the United States, but with this difference—that the lands as surveyed should be offered at a price of not less than one dollar and a quarter per acre; and for one year thereafter, those lands which remained unsold, and which should have been previously offered at public sale, should be liable to private entry and sale at that price; and thereafter and for one year longer, they should be subject to entry at private sale at one dollar per acre; thereafter and during the third year, they should be subject to sale and entry at fifty cents per acre; and thereafter and during the fourth year, at twenty-five cents per acre; and afterwards at twelve and one-half cents per acre.

Your orator further says, it was also agreed that whenever any portion of the country was fully surveyed, the President might order the same to be sold, allowing six months from the date of the first sale, and three months' notice of any subsequent intended public sale; and that within which period of time, those who claimed reservations in the offered ranges of country should file their applications or entries with the register and receiver of the land office for the disposition of said lands, so that the name of the claimant or owner of such reservation might be entered and marked on the general plat of survey.

Your orator further says, that after said ceded country was fully surveyed, and after all due and public notice had been given, and times allowed for the periods of six and three months as required, the following townships and ranges in said ceded territory were duly and legally offered for sale at public auction, at Pontotoc, and at the dates following, to wit:

1st October,	1836,	township	10,	range	8	east;
"	"	"	11,	"	7	"
3rd "	"	"	11,	"	8	"
29th May,	1837,	"	16,	"	4	"
30th "	"	"	1,	"	6	"
"	"	"	1,	"	7	"
1st June,	"	"	1,	"	9	"
2nd "	"	"	11,	"	10	"
"	"	"	1,	"	10	"
"	"	"	9,	"	10	"
6th "	"	"	2,	"	10	west;
"	"	"	3,	"	10	"
"	"	"	5,	"	10	"
7th "	"	"	3,	"	11	"
"	"	"	5,	"	11	"
8th January,	1838,	"	6,	"	9	"
9th "	"	"	6,	"	10	"
10th "	"	"	7,	"	10	"
11th "	"	"	6,	"	11	"
12th "	"	"	7,	"	11	"
13th "	"	"	4,	"	12	"
15th "	"	"	6,	"	12	"
20th "	"	"	6,	"	13	"
7th January,	1839,	"	10,	"	6	"
"	"	"	11,	"	6	"
"	"	"	10,	"	7	"
"	"	"	11,	"	7	"
"	"	"	10,	"	8	"
8th "	"	"	4,	"	9	"
"	"	"	8,	"	9	"
"	"	"	9,	"	9	"
"	"	"	4,	"	10	"
"	"	"	8,	"	10	"
"	"	"	9,	"	10	"
9th "	"	"	4,	"	11	"
"	"	"	8,	"	11	"
"	"	"	7,	"	12	"

And as required by law for the sale and disposition of other public lands, all due and proper notice having been given of the same; and that at and up to the times of offering the lands for public sale in said townships and ranges, no one who claimed or pretended to claim any

reservation or reservations, in fee or otherwise, as a head of a family, being an Indian or other person, made any application or entry therefor at the land office or other place, or in any manner applied for such reservation to be entered or marked on the map, as for any of the lands hereinafter claimed by your orator, nor were any such applied for, made or marked on said map or otherwise; but the lands hereinafter claimed by your orator were duly and regularly offered for sale at public auction, at the land office, as other public lands of the United States, at one dollar and a quarter per acre. after due notice had been given of the same, and no one would purchase the same at one dollar and a quarter per acre.

Your orator further says, that thereafter they were subject to private sale and entry at that price for one year, and no one would purchase or enter the same at that price; that thereafter and for one year longer, the said lands were liable and subject to entry at private sale at one dollar per acre, and no one would purchase or enter the same at that price.

Your orator further says, that thereafter and during the third year, they were subject and liable to sale and entry at fifty cents per acre, and no one would enter or purchase the same at that price.

Your orator further says, that thereafter and during the fourth year, they were subject and liable to sale and entry at twenty-five cents per acre, and no one would enter or purchase the same.

And your orator further says, that afterwards and up to the 20th day of January, 1843, of the said lands there remained subject to private sale or entry, at twelve and a half cents per acre, the several tracts or parcels of land contained in the list herewith filed as exhibit (A), and prayed to be taken as a part of this bill of complaint; that on that day he expressly states he offered to purchase at said land office the lands mentioned and contained in said list, as lawfully he had right to do, at twelve and a half cents per acre, and was then justly entitled to a certificate or certificates of purchase of the same, as other public lands, on his paying said sum of twelve and a half cents per acre therefor; that he then and there duly made application in writing at the said land office at Pontotoc for the same, to Andrew J. Edmondson, then register of said land office, to purchase the said last-mentioned lands, and contained in said exhibit, at private sale or entry, at said sum of twelve and a half cents per acre, that being the price to which said lands had then legally graduated, under and by virtue of the provisions of said treaty; but that the said Andrew J. Edmondson, register as aforesaid, not regarding his duty in that respect or the rights of your orator, illegally refused to permit him to purchase at private sale or enter said lands or any part thereof, or to make out his application to purchase in the form required by law, necessary and proper to enable him to pay for said lands to the receiver of said land office, and obtain a certificate or certificates of purchase thereof, on his paying the purchase money therefor, under the false and fraudulent pretence that the lands contained in said exhibit, and so applied for by your orator, had

been regularly and rightfully located to certain Indian reservees, by order of the then Chickasaw Indian agent, under the authority of said treaty, and that the same had been rightfully ordered to be withheld from sale or entry; whereas your orator states the contrary thereof to be the truth.

Your orator further states, that he then and there offered and tendered to John F. Wray, then receiver of the money for said land office, in the lawful currency of the United States, the sum necessary and proper to purchase and pay for said several tracts or parcels of land, who then and there refused to receive the same, or to issue to him the proper certificate or certificates of purchase therefor, because of the want of the proper authority from the said register, which said money he still offers to pay for said lands, as shall be directed by the decree of your honors.

Your orator further says, that since his said application to purchase said lands on the 20th of January, 1843, as above stated, and in violation of the rights of your orator in the premises, he has been informed and believes, and so states the fact to be, that the register and receiver of said land office have permitted the defendants herein first above named to enter or purchase the said lands mentioned and contained in said exhibit in the sections and subdivisions of sections mentioned, and at the times therein stated; each and all of whom, at and before their several purchases, had full notice of the rights and equities of your orator, of, in and to the said several tracts or parcels of land, and that said several tracts or parcels of land are lying and being in the said Chickasaw cession and in the district aforesaid.

The said Hiram Carver also brings this his bill against William H. Duke, of Pontotoc county, and a citizen of the State of Mississippi; R. Jones and Shelds, of county, and citizen of the State of ; William G. Huddleston, of De Soto county, and a citizen of the State of Mississippi, and Hyel J. King, of De Soto county, and a citizen of the State of Mississippi; George Work, of Hinds county, and a citizen of the State of Mississippi; James Brown, of Lafayette county, and a citizen of the State of Mississippi, and Austin Miller, of county, and a citizen of the State of ; James Brown, of Lafayette county, and a citizen of the State of Mississippi; Mark Healey, of Boston, and a citizen of the State of Massachusetts; Samuel B. Shelden, of county, and a citizen of the State of ; Isaac E. Wiley, of county, and a citizen of the State of , in trust for Philip J. Weaver; Daniel Lawrence, of county, and a citizen of the State of ; John H. Bills, of Hardiman county, and a citizen of the State of Tennessee; James K. Polk's unknown heirs, and whose residence and citizenship are unknown; Ezekiel P. McNeil, of Hardiman county, and a citizen of the State of Tennessee; Thomas N. Niles, of Pontotoc, and a citizen of the State of Mississippi; Ransom H. Byrn, of Tunica county, and a citizen of the State of Mississippi; Reverdy Johnson, of Baltimore, and a citizen of the State of Maryland; Joseph W. Chalmers, of Marshall county, and a citizen of the State of Mississippi; Edwin

C. Estes, of New York, and a citizen of the *of the* State of New York; W. H. P. Orne, of county, and a citizen of the State of ; Eli M. Driver, of Memphis, and a citizen of the State of Tennessee; James Brown, of Lafayette county, and a citizen of the State of Mississippi, and Pittser Miller, of county, and a citizen of the State of ; Robert L. Crawford, of county, and a citizen of the State of ; The Bank of Alabama, a corporation by authority of the State of Alabama, and located in the State of Alabama; D. Y. Hall, of county, and a citizen of the State of ; Richard E. Orne, of county, and a citizen of the State of ; Andrew J. Edmondson, of Marshall county, and a citizen of the State of Mississippi; Allen Elam, of county, and a citizen of the State of ; Wiley Smith, of county, and a citizen of the State of ; Elizabeth M. Carver, of county, and a citizen of the State of ; Merrill Hill, of county, and a citizen of the State of ; John C. Hubbard, of county, and a citizen of the State of ; Alexander B. Bradford, of Marshall county, and a citizen of the State of Mississippi; Alexander P. Bradford, of Marshall county, and a citizen of the State of Mississippi, and Ransom H. Byrn, of Tunica county, and a citizen of the State of Mississippi; James Kirkman and John T. Abernathy, of New Orleans, and citizens of the State of Louisiana; Sanford G. Burney, of Fayetteville, and a citizen of the State of Tennessee; Samuel Stebbins, of New York, and a citizen of the State of New York; Andrew J. Saunders, of county, and a citizen of the State of ; Steppacher and Bissinger, of Pontotoc county, and citizens of the State of Mississippi; G. W. Sanders, of county, and a citizen of the State of ; Thomas H. Nelms, of county, and a citizen of the State of ; Benjamin R. Bynam, of county, and a citizen of the State of ; Robert Carter, of county, and a citizen of the State of ; John R. Ward, of county, and a citizen of the State of ; Peyton R. Gill, of county, and a citizen of the State of ; David T. Johnson, of county, and a citizen of the State of ; Thomas E. Pearsell, of county, and a citizen of the State of ; Laurence Daniel, of county, and a citizen of the State of ; George C. Preay, of county, and a citizen of the State of ; A. Du Beooy, of county, and a citizen of the State of ; Alfred Maxey, of county, and a citizen of the State of ; Wardlon Howard, of Memphis, and a citizen of the State of Tennessee; Charles G. Butler, of county, and a citizen of the State of Tennessee; James R. Kelly, of county, and a citizen of the State of ; James B. Waters, of county, and a citizen of the State of ; Arba Herring, of county, and a citizen of the State of ; Peter H. Dubois, of county, and a citizen of the State of ; James C. Dubois, of county, and a citizen of the State of ; John R. Dubois, of county, and a citizen of the State of ; Alfred W. Harris, of county, and a citizen of the State of ; Thomas J. Mayfield, of county, and a citizen of the State of ; Thomas Clement, of county, and a citizen of the State of ; John T. Bell, of

county, and a citizen of the State of , and Jacob B. Pitcock, of county, and a citizen of the State of ; W. T. B. Wills, of county, and a citizen of the State of ; S. J. Mobley, of county, and a citizen of the State of ; Miletia McMinn, of county, and a citizen of the State of ; John Kemp's unknown heirs, and whose residence and citizenship are also unknown; W. L. Covington, of county, and a citizen of the State of ; John A. Mairs, of county, and a citizen of the State of ; Reuben Jones's unknown heirs, and whose residence and citizenship are also unknown; Samuel Duffield, of county, and a citizen of the State of ; Moses L. Spark, of county, and a citizen of the State of ; Robert W. Wright, of county, and a citizen of the State of ; Margaret Williamson, of county, and a citizen of the State of ; Thomas M. Wright, of county, and a citizen of the State of ; Alfred Carter, of county, and a citizen of the State of ; James G. Beard, of county, and a citizen of the State of ; John Fossett, of county, and a citizen of the State of ; Reese Wood, of county, and a citizen of the State of ; John C. Gleaton, of county, and a citizen of the State of ; Morton Dudley, of county, and a citizen of the State of ; William D. Wray, of county, and a citizen of the State of ; Henry P. Pou, of Panola county, and a citizen of the State of Mississippi; Alexander G. Moonley, of Panola county, and a citizen of the State of Mississippi; Claibourne S. McGee, of Panola county, and a citizen of the State of Mississippi; William Covington, of Panola county, and a citizen of the State of Mississippi; Harrelson McMinn, of Panola county, and a citizen of the State of Mississippi; James McGee, of Panola county, and a citizen of the State of Mississippi; John H. Burnett, of Panola county, and a citizen of the State of Mississippi; E. R. Brantley, of county, and a citizen of the State of ; Alexander McCuller, of Panola county, and a citizen of the State of Mississippi; William Mooney, of Panola county, and a citizen of the State of Mississippi; James A. Chapman, of Panola county, and a citizen of the State of Mississippi; Peter Hubbeard, of county, and a citizen of the State of ; Thomas J. Riley, of county, and a citizen of the State of ; John C. Riley, of county, and a citizen of the State of ; Jesse McCullar, of county, and a citizen of the State of ; William G. Woods, of county, and a citizen of the State of ; Robert F. Williamson, of county, and a citizen of the State of ; John W. Morgan's unknown heirs, and whose residence and citizenship are also unknown; Andrew J. McGee, of county, and a citizen of the State of ; Jackson McCullar, of county, and a citizen of the State of ; James McCuller, of county, and a citizen of the State of ; Thomas Bradford, of county, and a citizen of the State of ; William Hunter, of county, and a citizen of the State of ; Margaret D. Carpenter, of county, and a citizen of the State of ; George London, of county, and a citizen of the State of ; Simeon Myers, of county, and a citizen of the State

of ; Absalom Levanslear, of county, and a citizen of the State of ; George M. Mosley, of county, and a citizen of the State of ; Ann Cook, of county, and a citizen of the State of ; T. W. B. Moore, of county, and a citizen of the State of ; James Evans, of county, and a citizen of the State of ; William Evans, of county, and a citizen of the State of ; John Easley, of county, and a citizen of the State of ; Allen Neighbors, of county, and a citizen of the State of ; William Findley, of county, and a citizen of the State of ; Edward Maxey, of county, and a citizen of the State of ; Nicholas Payne, of county, and a citizen of the State of ; Wiley Wilkerson, of county, and a citizen of the State of ; William Stogdon, of county, and a citizen of the State of ; G. Johnson, of county, and a citizen of the State of ; William Flat, of county, and a citizen of the State of ; Daniel Flat, of county, and State; William Button, of county, and a citizen of the State of ; G. A. Washburn and J. Washburn, of county, and a citizen of the State of ; James Busby, of county, and a citizen of the State of ; James J. Cook, of county, and a citizen of the State of ; William C. Bromley and Sarah Bromley, of county, and a citizen of the State of ; Lindsay Johnson, of county, and a citizen of the State of ; Samuel Edwards, of county, and a citizen of the State of ; James Word, of county, and a citizen of the State of ; Peter F. Boone, of county, and a citizen of the State of ; as defendants hereto, and thereupon your orator also complains against said last-mentioned defendants, and says, that he has been informed and believes, and so states the fact to be, that they severally claim, or pretend to claim, some right, title, or interest, of, in or to some part or portion of some one or more of the several tracts or parcels of land contained in said exhibit A, on account of some transfer or conveyance from some or more of the defendants first above named, but which your orator charges was obtained with notice that your orator had applied for and claimed the right to purchase and obtain title to said lands, as set forth in the preceding part of this bill; that they should justly be postponed by decrees of your honors on account of the prior and better equity of your orator, and that they should be compelled to set forth and exhibit their several and respective claims or title, if any they have, to all or any portion of said several tracts or parcels of land. He also prays that such their pretended claim or title be cancelled by such order, decree, and proceeding in this cause as shall be fit and proper for that purpose, or that they respectively be decreed to hold their several claims or titles thereto in trust for the use and benefit of your orator.

Your orator says that said defendants are so numerous, that it would be impossible, from the occasional deaths of some of them, and the non-residence of others, to bring this case to trial as to all of them, at one and the same time; that, to sue them separately, it would be unnecessarily ruinous in costs and charges; that, as against each, every and all of them, complainant seeks to establish one general right, the

right to have assured to him, by the decree of this honorable court, the several tracts or parcels of land contained and set forth in said exhibit A, and of which he has been illegally deprived, by the wrongs and injustice complained against in this bill. He, therefore, prays to be permitted to file the same against each, every and all of the said defendants holding or pretending to claim the same lands, or any part thereof, as against the claim set up by complainant in his said bill, and that he be allowed to sue them in one bill; that so many of them as the court shall find fit and expedient be allowed to controvert complainant's right, and, as may be necessary and proper, fully and fairly to vindicate the defence of such defendants, and without prejudice to the right of the other defendants; that the case be allowed to progress to a decree, as for or against complainant or the defendants so allowed to defend; that complainant be allowed to bring in the other defendants, as he may be enabled to serve them with process, and against the non-resident defendants, as they may come within the jurisdiction of this court; and also against the heirs and representatives of the deceased purchasers and claimants, as aforesaid, as they shall be discovered, with apt words to charge them.

May it please your honors to award to your orator the process of subpœna, directed to the said Joseph W. Matthews, James Brown, Jacob Thompson and Thomas L. Jones, John Peyton Jones, Eli M. Driver, Thomas B. Hoover, Jesse Heard, James Brown and Pitser Miller, Gully M. Brown, William S. Jones, the unknown heirs of John N. Wilie, Weldon Jones, Richard E. Orne, Jane Eades, Anthony B. Lambert, Daniel Lawrence, Mary E. Mitchell, George Work, James Brown and Austin Miller, Thomas N. Niles, Steppacher, and Bissinger, Robert W. Edmondson, William S. Neilson, William Henry and Deadrick Wendel, Benjamin M. Bradford, John Davis, Samuel B. Sheldon, John D. Martin, Levi J. Taylor, Alexander Matthews, John A. McNeil, Hugh Craft, Daniel Saffrons, John A Sims and Leroy Sims, Thomas J. Malone, Elizabeth V. Lockridge, James Perry, Franklin Smith, William J. Neilson, Samuel Bullen, the unknown heirs of Littleberry Leftwick, William T. Lively, the unknown heirs of Ellett Jones and Andrew J. Jones, Branch Morgan, Hugh McGehee, Allen Elam, Samuel M. Cohen, John Cohen, James Greer, James Barbee, Charles H. Morgan, James Laughlin, Wiley Smith, Andrew J. Saunders, G. W. Saunders, William H. Kilpatrick, Samuel H. Nelms, Henry A. Raybourne, William H. Duke, Jared Kerly, Moses Perkins, John Perkins, Charles G. Butler, Zachariah N. Burnett, Mary L. Ellis, Francis Hudson, Cynthea Ann Bayles, Gordentia Waite, Holland W. Middleton, John T. Barefoot, Elizabeth Marshall, James Baker, Peyton R. Gill, John A. Mairs, William H. Mairs, Richard Baker, Jacob B. Pitcock, Willie B. Miller, William Thrasher, William R. Cox, Alfred Carter, James B Beard, Jesse Ward, Charles F. Glesson, Eliza F. Morris, James B. Waters, James A. Chapman, James A. Unthank, James M. Houry, Elizabeth Rayburn, Moone Moore, Harrelson McMinn, Edward D. Green, Woodson Young, Geo.

for reservations, as required by said treaties, had elapsed, the said several tracts and parts of tracts, in the said exhibit A mentioned, were not duly and legally offered for sale at public auction, at the land office at Pontotoc, at the dates mentioned at pages nine and ten of this bill, and respectively set opposite to said townships and ranges?

2d. Whether, at and up to the said times of offering said lands, respectively, at public auction, any of the same, so mentioned and contained in exhibit A, were claimed or held and designated as reservations, under and by virtue of, and agreeably to, said treaties, and whether said lands were not then subject to sale at public auction?

3d. Whether several tracts and parcels of land mentioned in exhibit A were not offered for sale at auction, and in the manners required for the sale and disposition of other public lands of the United States, all due and proper notice having been given of the same; and when they were so offered, there was not a failure to sell them on account of no bid being made as high as one dollar and a quarter therefor?

4th. Whether the said lands did not thereafter remain, after being so offered for one year, subject to private sale and entry at the price of one dollar and twenty-five cents per acre, and no one did or would purchase the same?

5th. Whether said lands did not thereafter, and for one year longer, remain subject to private sale and entry at one dollar per acre, and no one did or would purchase the same at that price?

6th. Whether, thereafter and during the third year, said lands were not subject and liable to sale and entry at fifty cents per acre, and no one did or would enter or purchase the same at that price?

7th. Whether, thereafter and during the fourth year, said lands were not subject and liable to sale and entry at twenty-five cents per acre, and no one did or would enter or purchase the same at that price?

8th. Whether afterwards, and up to the 20th day of January, 1843, said lands did not remain subject to private sale and entry at twelve and one-half cents per acre, and whether on that day complainant did not duly apply for in writing, and offer to enter and purchase, said several tracts or parcels of land mentioned and contained in exhibit A, at the said land office at Pontotoc, to Andrew J. Edmondson, the then register of said land office; and whether the said register did not then and there illegally refuse to permit him to purchase or enter the same, or any part thereof, or to make out his applications for that purpose in the form required by law, necessary and proper to enable him to pay for said lands to the receiver of said land office, and obtain a certificate or certificates of purchase therefor, on his paying the purchase money?

9th. Whether complainant did not, on the said 20th January, 1843, offer and tender to John F. Wray, then the receiver of the money for said land office, in the lawful currency of the United States, the sum of money necessary and proper to purchase and pay for said several tracts or parcels of land at twelve and a half cents per acre; and whether the said Wray, as such receiver, did not then and there refuse to receive the said money for said lands, or issue to complainant the proper certificate or certificates of purchase thereof.

10th. Whether, since the said application to complainant to purchase said lands, the register and receiver of said land office have not permitted the said several defendants to purchase or enter the said lands mentioned and contained in exhibit A, in the sections and subdivisions of sections mentioned, and at the times therein stated; and whether they do not pretend to claim the same or some portion thereof; if any, what part or parts?

11th. Whether the said defendants, and each of them, at the times they respectively made said purchases or entries as in said mentioned, did not have notice, or had not heard, or been informed or believed, that complainant had duly applied for and claimed the right to enter or purchase said lands?

12th. Whether the said defendants, who are alleged in said bill to claim some title to or interest in said lands, or some part thereof, from the original purchases or entries, did not, at or before the time they respectively pretend to have acquired such title or interest, have notice, or had not heard, or been informed or believed, that complainant had duly applied for and claimed the right to enter or purchase said lands, and whether they respectively still pretend to claim any title to or interest in any of said lands; and if so, what part?

13th. Whether said last-mentioned defendants, if they pretend to claim any title to or interest in any of said lands, whether they have paid the purchase-money therefor, and whether they are still indebted therefor, and for what sum and to whom?

GOODE, BLANTON & COCKE,
Solicitors for complainant.

Exhibit A, to original bill.

Lands bought by Eli M. Driver from the United States.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
36	6	13 W	20 June, 1846.		
31	6	12	17 Jan'y, '46.		
N ½ 32					
S ½ 8	7		14 April, '45.		
12			12 Jan'y, '46.		
25			21 April, '47.		
4	6	11	13 Jan'y, '45.		
7			8 Dec'r, '45.		
2	7		9 Aug't, '45.		
S W ¼ 11			14 Jan'y, '46.		
N W ¼ 21			9 Aug't, '45.		
N W ¼ ¼ 22			7 Aug't, '45.		
S W ¼ ¼					
N W ¼ 27					
S W ¼ ¼					
f'l W ½ 34			7 Oct'r, '45.		
N ½ and S E ¼ 2	8		12 Jan'y, '46.		
S ½ 13			11 Aug't, '45.		
S E ¼ ¼ 14					
f'l 24					
35	5	10 W	1 Jan'y, '45.		
S E ¼ 6	6		5 Aug't, '44.		

N E ¼	8				
N W ¼	9			13 Jan'y, '45.	
	20			5 Aug't, '44.	
	21			13 Jan'y, '45.	
N ½	28				
S ½	28	6	10 W	10 Jan'y, '46.	
	29		9		
S E ¼	27	1	7 E	27 Dec'r, '43.	
S W ¼	32	6	12 W	17 Jan'y, '46.	
S ½	17	6	10	5 Aug't, '44.	
N W ¼ and S ½	19	8	10	10 Jan'y, '46.	

Lands bought by Thomas B. Hoover.

	23	4	12 W	1st Aug., '45.	William H. Duke.
	25	4			
	26				
	10	6			
N W ¼	11				
N E ¼	12				
	36	7	10 W	5 Aug't, '45.	
	28	6	12	1 Aug't, '45.	
S E ¼	32			2 "	
	33				
W ½	35				
S ½	7	7		1 "	
N ½	8				
	36	4	11	2 "	
N ½	21	6	11		
W ½	15	6	11		

Ayres et al. vs. Carver et al.

2027.
19.

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N E ¼ 24			6 Aug't, '45.		
S E ¼ 34			2 "		
S ½ 35					
S W ¼ 31	7		7 "		
N E ¼ 24	3	10	1 "		
S ½ 13	6	11	6 "		
30	4		4 "		
S E ¼ 31	5	10	1 "		
S ½ 32					
N W and S E ¼ 3	6	10 W	4 Aug't, '45.		
N E ¼ 6					
E ½ 12	3		1 "		
N ½ 7	6				
N W and S E ¼ 8					
S E ¼ 9					
S W ¼ 10					
N ½ 17					
S ½ 18					
W ½ 29	7	11	7 "		
19	6	10	1 "		
W fr S W fr'l ¼ 26					
N ½ 29					
N ½ and S W ¼ 33					

E C W R, N f'l ½	34				
S E ¼ C W R					
S W f'l ¼					
S E ¼	1	7		5 Aug't, '45.	
N E ¼	12				
S W ¼	17				
S E	35				
S ½	17	8	9	4 "	
N ½	18				
N ½ and S W ¼	25	9	9		
N ½ and S E ¼	26				
N ½ and S W ¼	17	1	6 E	1 "	
S ½ and N E ¼	18				
S ½	21				S W ¼, R Jones & Shields.
S ½	22				
N W ¼	21	1	9		
S ½	25	7	10 W	5 "	

Lands bought by Jesse Heard, of Madison county, Mi.

N E ¼	12	4	12 W	9 June, '45.	
S ½	12	4	11	12 Jan'y, '46.	
N W ¼	13				
	1	5		9 June, '45.	
	2				
N E ¼	1	6		8 Feb'y.	
N E and S E ¼	1			6 Sept.	
N E and S W ¼	36	3	10	8 Feb'y, '45.	
S ½	2	4		4 Aug't, '45.	
N W ¼	7			16 March, '45.	

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S ½ 15			4 Aug't, '45.		
N E and S W ¼ 20					
W ½ 24					
N W ¼ 29					
S ½ 32					
N ½ 33					
S E ¼ 1	5	10	8 Feb'y, '45.		
4				W. G. Huddleston & Hyel.	S. King, of De Soto county.
33					
N E ¼ 3	6				
W C W R, N W f'l ¼ 34					
S E ¼ 12	7		12 Jan'y, '46.		
13			5 Aug't, '45.		
24			12 Jan'y, '46.		
N ½ 25					
27					
N ½ 34					
S E fr'l ¼ 18	4	9			State of Mississippi.
25			8 Feb'y, '45.		
N E ¼ 14	4	11	12 Jan'y, '46.		
W ½ 6	6	10	8 Feb'y, '45.		

Lands bought by Joseph W. Matthews.

S ½	12	4	12 W	12 April, '49.	
N ½	13	7		5 March, '46.	
E ½	26	5	11	9 June, '45.	
N W ¼	36	3	10		
N E ¼	7	4		16 March, '45.	
N W ¼	8			'46.	
S ½	19				
N E ¼	24			7 Aug't.	
	31			4 Aug't, '45.	
S W ¼	33			7 " '46.	
N fr'l ½	11	5		7 Jan'y, '45.	
N E ¼ and W ½	5	4	10 W	16 March, '46.	
S W ¼	23	5	10	12 April, '46.	George Work.
N E fr'l ¼	27			15 May, '44.	
N E	23	6		10 Jan'y, '46.	
N ½	15				
S E ¼	8	4	9	8 Feb'y, '45.	
N W ¼	13			14 Jan'y, '47.	
N E ¼	17			8 Feb'y, '45.	
S ½ fr'l S E ¼	24	9		22 June, '46.	

Lands bought by Jacob Thompson and Thomas L. Jones.

E ½ and S W ¼	11	6	12 W	4 June, '45.	
W ½ and S E ¼	12				

Exhibit A—continued.

Lands bought by James Brown and Pittser Miller.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
25	6	12 W	17 Jan'y, '46.		
E ½ 26					
E ½ 14	7		4 March.		
E ½ 23					
N W ¼			12 Jan'y, '46.		
W ½ 1	4	11	4 March, '46.		
N W ¼ 9			12 Jan'y.		
11					
N E ¼ 12			5 March.		
N W ¼ 12			4 "		
W ½ 14			12 Jan'y, '46.		
S W ¼ 1	6		13 "		
2					
N ½ 11					
S E ¼					
S W ¼			6 Aug't, '45.		
12			10 Nov'r.		
N ½ 13					
E ½ 14			13 Jan'y, '46.		
N W ¼			6 Aug't, '45.		
S W ¼			13 Jan'y, '46.		
N E ¼ 15			6 Aug't, '45.		

S E ¼				13 Jan'y, '46.	
N W ¼	24				
S ½	29				
N E ¼ and W ½	31				
N ½	32				
S W ¼				7 Aug't, '45.	
S E ¼				13 Jan'y, '46.	
	4	7	11	7 Aug't, '45.	
	5				
	6				
W ½	7				
	8				
	9			11 "	
N ½	12			14 Jan'y, '46.	
N W ¼	17			7 Aug't, '45.	
S E ¼				11 "	
N E ¼	18	7	11 W	7 Aug't, '45.	
N W ¼				11 "	
S ½				14 Jan'y, '46.	
	4	6	10	12 "	Jas. Brown & Austin Miller.
S ½	6	7		5 Aug't, '45.	
W ½	7			9 January.	
N ½ and S E ¼	17			14 " '46.	
E ½	20			2 Dec'r, '45.	
W ½				5 Aug't.	
	27	8	9	9 Dec'r, '47.	Jas. Brown.
	34			7 " '46.	
	35			23 "	
	1	9	9		

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
2		9 W	9		
3			4 Aug't, '46.		
4			11 Jan'y, '47.		
9					
13			4 Aug't, '46.		
14					
N ½ 22			11 Jan'y, '47.		
S E			7 Dec'r, '46.		
23			3 Aug't.		
S W ¼ and N E ¼ 24					
S W ¼ 26			7 Dec'r.		
S ½ 36	8	9	23 "		Mark Healey, Boston.
27	9	9	11 Jan'y, '47.		
N ½ 5	6	10	12 " '46.		
21	7	10	2 Dec'r, '45.		
22			12 Jan'y, '46.		
Lands bought by John Peyton Jones.					
E ½ 35	6	12	13 Jan'y, '46.		
36					
E ½ 4	7	12 W	12 Jan'y, '46.		
N W ¼			12 Nov'r.		
N ½ 5					

S ½				21 Jan'y, '47.
N E ¼	6			12 Nov'r, '46.
W ½ and S E ¼				21 Jan'y, '47.
	10			8 Dec'r, '45.
	7	4	11	18 May, '46.
	33	6		13 Jan'y.
N ½ and S W ¼	34			
N ½	35			30 "
S W ¼	2	8	11	12 Nov'r.
W ½ and S E ¼	3			
	4			
	10			
	11			
	12			
N ½	13			
N ½ and S W ¼	14			
	14	7	10	2 Feb'y, '46.
	23			12 Jan'y.
	26			
	4	8	10	12 Nov'r.
	5			18 May.
	6			
	25			12 Nov'r.
	35			30 Nov'r.
	34			
	36			
	19	8	9	12 Nov'r.
	29			'47.
	30			

Ayres et al. vs. *Carver et al.*

27

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
F S T R W ½ 35	9	9 W	18 May.		
31	8		12 Nov'r, '46.		
32					
5	9		30 Nov'r, '46.		
6					
7					
8					
28	6	11	13 Jan'y, '46.		
S ½ 21	6	11			
S E 23	6	10	5 March.		
Lands bought by Gully Moon Brown.					
S W ¼ 4	7	12 W	1 Dec'r, '46.		
Lands bought by William S. Jones.					
11	7	12 W	2 Feb'y, '46.		
S E ¼ 22	4	10	12 Nov'r.		
23					
25					
36					N E ¼ S. B. Sheldon.
S E ¼ 23	3	10	5 March.		
S E ¼ 34	4		12 Nov'r.		

Lands bought by John N. Wilie.

N fr'l ¼	7	7	12 W	20 Nov'r, '46.	lying north of Philip's bayou.
S W ¼	17		11	16 Aug't, '45.	
Fr'l N C W R	1	8		27 Sept.	
S E ¼	5			20 Nov'r, '46.	
S ½	15	6	10	21 Jan'y.	
	32			15 "	Conveyed to Isaac E. Wilie, in trust for P. J. Weaver,
E ½	7	7		9 " '45.	24 March, 1849.
	8				
E fr'l ¼ N C W	12	7	11	19 Aug't.	
Fr'l N C W					
	25	7	11 W	27 Sept'r, '45.	
	26			19 Aug't.	
	36			27 Sept'r.	

Lands bought by Weldon Jones.

S ½	13	7	12 W	30 Nov'r, '46.	
	24				
E ½	1	4	11	12 Nov'r, '46.	
E ½ and S W ¼	9				
	24				
E ½	26				
S W ¼	30				
E ½	4	4	10	30 Nov'r.	
E ½	9				
	12			4 Dec'r.	
	13				E ½, Daniel Lawrence.
W ½ S E ¼	14			30 Nov'r.	
N ½	22			12 "	

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N ½ and S W ¼ 1	5	10 W	30 Nov'r.		
7	8		12 "		
8					
17			30 "		
S ½ 15					
18					
N E 19					
20					
21					
22					
23					
26					
27					
W ½ 28					
29					
10	9	9 W	30 Nov'r, '46.		
N ½ and S W ¼ 15					
17					
21					
W ½ 28	4	11 W	12 Nov'r.		
9	8	10			
W ½ 11		10	30 Nov'r, '46.		

Lands bought by James Brown.

W ½	14	7	12 W	12 Jan'y, '46.		
E ½ and S W ¼	15			2 Dec'r, '45.		
N W ¼				28 Oct'r, '46.		
N E ¼	22					
N W ¼				2 Dec'r, '45.		
S ½						
S W ¼	23					
	33	3	11	20 Jan'y, '45.	John H. Bells, Hardeman	county, Tenn.
W ½	26	4		8 Sept., '46.		
	27					
E ½	28					
	23	5		11 Jan'y, '47.	Jas. K. Polk.	James K. Polk.
	24					
	28			20 "	John H. Bells.	
E ½	10			9 June, '45.	Ezekiel P. McNeil, Harde	man county, Tenn.
N ½	12					
S ½	13			11 Jan'y, '47.		
N ½	33			9 June, '45.	John H. Bells.	
W ½ and S E ¼	34					
E ½ and S W ¼	35				Ezekiel P. McNeil.	
	3	6	11	20 Jan'y, '45.	John H. Bells.	
S ½	24			18 Nov'r, '45.		
	25			6 Aug't.		S E ¼, Thos. N. Niles.
N ½	29			20 Jan'y.		
S E ¼	31	6	11 W	20 Jan'y, '45.		
N ½	36			6 Aug't.		
S ½				20 Jan'y.		
	26	2	10			

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
35					
10	3		9 June, '45.	Ezekiel P. McNeil.	
11					
26					
27					
28			20 Feb'y.	Ransome H. Byrn, Tunica	county, or Jackson.
29			20 Jan'y.		
31					
32					
33					
35			9 June.	Ezekiel P. McNeil.	
N ½ and S W ¼ 3	5		21 Jan'y.		
8					
S W ¼ 11			20 "	Ezekiel P. McNeil.	
17			21 "		
19	5	10 W	4 June, '45.		
20				Bills.	
21			20 Jan'y.		
N ½ and S W ¼ 22					
28					
29					
W ½ 14					
N ½ 30	6	10	6 Aug't.		

	15	8	9	11 Jan'y, '47.	Reverdy Johnson.
	22				N ½, Joseph W. Chalmers.
	23				Edwin C. Estes, N. York.
	26				
W ½	26	6	12 W	9 June, '45.	

Lands bought by Richard E. Orne.

E ½ and S W ¼	25	3	11 W	1 Jan'y, '45.	
W ½	25	5		13 Jan'y.	
W ½	36				
N E ¼	11				
N W ¼	14				
S ½	21	3	10	1 Jan'y.	
E ½	30				
Fr'l	2	5			
S E ¼	3				
S E fr'l ½	22				
W ½ and S E ¼	27				
W ½	30				
W ½	31				
W ½ and N E ¼	34				
W ½	26				
	2	6		13 Jan'y, '45.	
	22				
W ½	23	6			E ½, Mark Healey.
N ½	26				
W ½	11				N E ¼, Mark Healey.
	4	7	10 W	13 Jan'y, '45.	
	5				

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N ½ 6					
Fr'l 19	7				
29					
E ½ 30					
E ½ 31					
32					
18	9	9	3 June, '47.		
S ½ 14	1	7 E	27 Dec'r, '44.	} Marked on the Tishamingo	list, W. H. P. Orne.
N E ¼ 15	1	7			
N W ¼ 27	1	7			
N ½ 27	6	10 W	13 Jan'y, '45.		N E ¼, Mark Healey.
Lands bought by Jane Eades.					
E ½ 30	4	11 W	8 Sept., '46.		
Lands bought by Anthony P. Lambert.					
N W ¼ 30	4	11 W	11 Sept., '46.		
S W ¼ 33			19 Oct.		
S E ¼			11 Sept.		
S E ¼ 24		10	25 Nov'r.		
S E ¼ 33					

Lands bought by Daniel Lawrence.

E ½ and S W ¼	13	4	11 W	16 March, '46.	
S E ¼	14				
	18	4	10		
N ½	19				
S ½	34	7			
	2	8			
	3				
N ½	15				
W ½	17	4	10		

Lands bought by Mary E. Mitchell.

N ½	33	4	11 W	8 Sept., '46.	

Lands bought by George Work.

E ½	25	5	11 W	30 Sept., '44.	
E ½	36				
W ½	11				
S E ¼	20	4	10	23 April, '45.	
S W ¼	21			1 "	
N E ¼ and S ½	29			23 "	
N ½	32	4	10 W	23 April, '45.	
S fr'l 7 acres	2	5			
	5				
	6				
N E ¼	11			15 May, '44.	
E C W R, S E fr'l ¼	22			1 January, '45.	
N E ¼	23				

Ayres et al. vs. Carver et al.

2555.
35

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N W			13 April, '44.		
S E ¼ 34			15 May, '44.		Part E C W R, Eli M.
S W ¼ 9	6		30 Sept., '44.		Driver.
E fr'l ½ 11					
W ½ S E fr'l ¼ 26					
N fr'l S fr'l ½ 27					
S E ¼ 23					
Lands bought by James Brown and Austin Miller.					
15	7	11 W	10 Aug., '45.		
19			14 Jan'y, '46.		
N E ¼ 20			7 Aug., '45.		
N E and S ½ 21					
E ½ 22			11 "		
23	7	11	10 Nov., '45.		
E ½ 27			7 Aug., '45.		
N ½ 28			5 "		
N E ¼ 29			7 "		
E ½ 31					
N W ¼					
N W ¼ 32					
S C W R, S fr'l ½				All except 143 acres of E	fr. ½ north, N C W R.
S W ¼					

Fr S C W ½	33				402 75/100 acres.
W fr'l ½ and E fr'l ½	34				S C W R
	35				
N E	3	8	11 W	6 Aug., '45.	
W ½ and N E ¼	5				
E ½	30	5	10	17 Jan'y, '46.	
N E ¼	31				
N ½	32				
S W ¼	3	6		16 " '46.	
	4			12 "	Claimed also by J. Brown and P. Miller, according tax list.
S ½	7			16 "	
N E ¼	9			'45.	
N ½	10			'46.	
S E ¼					
N ½	18				
W ½	24	3	10	17 Jan'y, '46.	

Lands bought by Thomas N. Niles.

	22	6	11 W	13 April, '45.	N E ¼ Rob't L. Crawford, S ½ and N W ¼ Bank of Alabama.
	26			1 Oct., '45	
	27			12 April.	V. Y. Hall.
	13	7		7 August.	
	24				

Lands bought by Steppacher and Bissinger.

	1	7	11 W	3 May, '48.	
E ½	7	4	10 W	2 "	
N W ¼	1			21 April, '47.	
S W ¼				16 July.	

Ayres et al. vs. Carver et al.

2 ss. 37.

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
1	8		29 April, '48.		
N ½ 17		9	2 May.		
S ½ 18			29 April, '48.		
N ½ 31	1	6 E	10 Feb., '51.		
Lands bought by Robert W. Edmondson.					
3	7	11 W	4 Feb., '45.		R. E. Orne.
10	7	11	4 Feb., '45.		R. E. Orne.
9		10	29 Nov., '47.		
15					
14	4	9		Andrew J. Edmondson.	
S W ¼ 32	11	8 E	1 July, '43.		
Lands bought by Wm. S. Neilson and Wm. Haney Deadrick Wendel.					
E ½ 7	7	11 W	11 Aug., '45.		
Lands bought by Wm. S. Neilson and Wm. H. Deadrick Wendle.					
N ½ and S E ¼ 11	7	11 W	11 Aug., '45.		
Fr S C W R, 12				(139 acres.)	
14					
N E ¼ 17					
S W ¼ 18		10	11 Aug., '45.		

Lands bought by B. M. Bradford.

S ½	28	7	11 W	7 Aug., '45.		
S E ¼	29					
N C W R, E fr'l ½	32				(143 acres.)	
E fr'l ½	33					
W fr'l ½						
S ½	30	6	10	4 Aug., '45.		
	31					
W ½	32	4	9	18 Dec'r, '47.		
E ½	33					N E ¼ Allen Elam.
S ½	23	10	6	19 May, '48.		State Mississippi.
N ½	35	4	9	18 Dec'r, '47.		
E ½	35	11	8 E	2 Feb., '48.	} Monroe county.	
Fr'l S E ¼						
	10	8	10 W	20 Sept., '48.		
	11			13 July.		
	12					
	13	8	10	13 July, '48.		
	14			20 Sept.		

Lands bought by John Davis.

N ½	2	4	10 W	9 June, '47.	Mark Healey.	Conveyed by And. J. Edmondson, ass. to R. E. Orne.
	3					
N ½	15					Richard E. Orne.
	1	9			} Conveyed by And'w J. Edmondson to Mark Healey, 10 May, 1850.	
	2					
	12					
S E ¼	36	4	9	6 Sept., '48.	Wiley Smith.	
	13	8	9	18 June, '47.	Mark Healey, (by A. J. E.)	Richard E. Orne.

Ayres et al. vs. Carver et al.

2 of 39

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
14					
20					
21					
24			9 June, '47.		
25					
28			18		
33					
N ½ 36					
S ½ 36	9	9 W	9	Mark Healey.	
S ½ 35	4		2 Jan., '50.	Elizabeth M. Carver.	S E ¼.
S W ¼ 25	10	6	1 March, '49.		Merril Hill.
S E ¼ 35	10	7	10 Feb.	John C. Hubbard.	
10	4	10	9 June, '47.	Mark Healey.	Richard E. Orne.

Lands bought by Samuel B. Sheldon.

W ½ 4	4	10 W	10 Jan., '46.		
S E ¼ 5					
S ½ 7			1 April, '45.		
N E ¼ 8			10 Jan., '46.		
S ½			1 April, '45.		
N W ¼ 9			10 Jan., '46.		
E ½ 11	4	10 W	10 Jan'y, '46.		
N E ¼ 14					

N W ¼	21			1 April, '45.	
E ½	21	4	10 W	1 April, '45.	
	28			10 Jan'y, '46.	
N E ¼	34				
	24	8		12 "	
E ½	28				
S W	22	4	10	1 April, '45.	
N E ¼	17	4	10	10 Jan'y, '46.	
S E				16 March, '46.	

Lands bought by John D. Martin.

W ½	1	7	10 W	2 Feb'y, '46.	
	2				
	3				
	10				
	11				
W ½	12				

Lands bought by Levi J. Taylor.

	7	4	9 W	5 Jan'y, '48.	A. B. Bradford, Holly Springs.
N ½	8				Alex'r B. Bradford and Ransom Byrn.
Lots A B and C					
N ½	18				
Lots A and B					
N E ¼	1	7	10		
N ½	19				Bradford and Byrn.
Lots A B C	17	4	9		Bradford and Byrn.
S E ¼	36	3	10 W	9 June, '45.	Alex'r Matthews.
	31	4	11	Reservation.	Yeatman and Woods.

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
30	7	11		John A. McNeil, R. E. Orne.	
E ½ 36	2	10	8 June, '44.	Hugh Craft, (De Soto.)	
7 and 8	3	10	Reservation.	Andrew Kerr.	
			Lands bought by Daniel Saffarrans.		
S ½ and N E ¼ 23	3	10 W	21 Sept., '46.		
9	5	10	11 Jan'y, '47.		
10					
15			14 Jan'y, '47.		
			Leroy Sims and John A. Sims.		
6	4	10 W	5 March, '46.		
			Thomas J. Malone.		
N W ¼ 20	4	10 W	25 Nov'r, '46.		
			Elizabeth Virginia Lockridge.		
N W ¼ 34	4	10 W	30 Nov'r, '46.		
			James Perry.		
S W ¼ 34	4	10 W	30 Nov'r, '46.		
			Franklin Smith.		
S ½ 5	6	10 W	8 Feb'y, '45.		

William S. Neilson.

E ½ and N W ¼ 18	7	10 W	12 Jan'y, '46.		
W ½ 14	10	7			

Samuel Bullen.

28	7	10 W	16 Oct'r, '45.		
33					

Littleberry Leftwick.

N ½ 35	7	10 W	8 Dec'r, '45.	Kirkman and Abernathy, N.	Orleans.
W ½ 30				James Kirkman and John T.	Abernathy.

William T. Lively.

S W ¼ 36	4	9 W	1 July, '46.		

Eliot Jones, deceased, and Andrew J. Jones.

N E ¼ 18	6	9 W	31 May, '45.		
E ½ 20					
S W ¼					

Branch Morgan.

S W ¼ 35	7	10 W	22 June, '46.		

Hugh McGehee.

N E ¼ 13	4	9 W	17 May, '44.		

Allen Elam.

Lot D 13	4	9 W	30 May, '45.		
N E ¼ 32	4	9	21 May, '45.		

Samuel M. Cowan.

S ½ 19	4	9 W	1 July, '47.	Sanford G. Burney, Fayetteville, Tenn.	
N ½ 30					

Exhibit A—continued.

John Cowan.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S W ¼ 30	4	9 W	18 June, '47.		
			James Greer, deceased, (Green.)		
N E ¼ 31	4	9 W	4 Jan'y, '47.		Sam'l Stebbins.
N W ¼ 31	4	9	18 May.		
			Morgan B. Greer, (or Green.)		
S W 31	4	9 W	17 Dec'r, '46.		
			James Barbee.		
S E 31	4	9 W	4 Jan'y, '47.		Sam'l Stebbins, N. Y.
			Charles H. Morgan.		
S E 32	4	9 W	17 Dec'r, '46.		
			James Laughlin.		
S W 33	4	9 W	18 May, '44.		Allen Elam.
			Wiley Smith.		
N W 36	4	9 W	4 Jan'y, '47.		
N W 18	6	9	11 March, '46.		
N W 20			16 April, '46.		
S W 18	6	9	11 March, '46.	And. J. Saunders.	
S E 18	6	9		G. W. Saunders.	

William H. Kilpatrick.

9	8	9 W	13 Dec'r, '47.	Steppacher & Bissinger.	Transferred at land office.

Samuel H. Nelms.

N E ¼ 12	8	9 W	19 May, '45.	Thos. H. Nelms.	
S E ½ 12			6 Dec'r, '47.		

Henry N. Rayburn.

W ½ 12	8	9	18 May, '47.		
N E 2	10	8			
S W					
S E			20 Nov'r, '49.		
S E 21	10	7	18 May, '47.	Benj. R. Bynum.	
N E 23					Robt. Carter, (runaway.)
S W					
N W 26					
N W 36			23 March, '47.		
S W 36	10	7 W	22 April, '47.		
N W 24			18 May, "		
N W 27				John R. Ward.	

Wm. H. Duke.

N E ¼ 36	4	9 W	29 Nov'r, '47.		
S E ¼ 1	10	6	18 May, '48.	Peyton R. Gill.	
N E 10	16	4 E	1 Jan'y, '45.	E ½ of N E ¼, David T. Johnson, and W ½ Thos. E. Pearsell.	
N ½ & S E ¼ 15				E ½ NE ¼, Lawrence Daniel; Preay, W ½; N W ¼ A. Du C. Preay; S E ¼ Lawrence	N ½ of same, George P. Beooy; E ½ of same, Geo. Daniel.
N E ¼ 27	10	10 E	27 Dec'r, '43.		Alfred Maxey.

Ayres et al. vs. Carver et al.

2097. 45.

Exhibit A—continued.

Jared Kirly.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S E ¼ 15	9	9 W	8 Sep'r, '46	Wardlaw Howard, Memphis.	
N E ¼ 22			8 " "	" "	
			Moses Perkins.		
W T R, S E fr'l ¼ 24	9	9	28 Dec'r, '44.	Wardlaw Howard.	
			John Perkins.		
N W ¼ 24	9	9 W	3 Aug't, '46.		
			Charles G. Butler and Z. N. Burnett.		
S E ¼ 25	9	9 W	22 Dec'r, '46.	Chas. G. Butler.	
N E ¼ 36			22 " "	Chas. G. Butler.	
			Mary L. Ellis.		
F N T R, N E ¼ 35	9	9 W	21 Dec'r, '46.		
Fr N T R, W fr'l ½			6 Nov'r, "		
			Francis Hudson.		
F S T R, N E ¼ 35	9	9 W	24 Dec'r, '46.		
N W ¼ 36			22 " "		
			Cynthia Ann Boyles.		
N W ¼ 2	10	8 W	18 May, '47.	James R. Kelly.	

Gordentia Waite.

N ½	13	10	7 W	12 July, '44.	N W ¼, James B. Waters; N E ¼, Arla Herring.
N E ¼	4	11	6	18 May, "	Peter H. Dubois, James C. Dubois, John R. Dubois, and Alfred W. Hearris.
N W ¼				1 June, "	

Holland W. Middleton.

N E ¼	14	10	7 W	18 May, '44.	
S E ¼				18 " '46.	
N E ¼	15			18 " '44.	Thos. J. Mayfield.
N W				30 Nov'r, '46.	
S E ¼	15	10	7 W	18 May, "	
S W ¼	25			18 " "	
S W ¼	26			18 " "	Thomas Clement.
S W ¼	1		6	16 Dec'r, '45.	Peyton R. Gill.
S W ¼	10			16 " "	Jno. T. Bell and Jacob B. Pitcock.
S E ¼				4 Jan'y, '47.	W. T. B. Wells.
N ½	12			18 May, '46.	N W ¼ S. J. Mobley; N E, Meletia McMinn.
S W ¼	8			15 June, '44.	Estate of Jno. Kemp.

John T. Barefoot.

N E ¼	2	10	6 W	30 Aug't, '47.	S. J. Mobley.

Elizabeth Marshall.

N W	2	10	6 W	18 May, '46.	W. L. Covington.

James Baker.

N E ¼	3	10	6 W	18 May, '46.	
S W ¼	2			18 " "	Jno. A. Mairs.

Exhibit A—continued.

Peyton R. Gill.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S E ¼ 2	10	6 W	24 July, '47.		
			John A. Mairs.		
N W ¼ 3	10	6 W	18 May, '44.	Reuben Jones, deceased.	
			William H. Mairs.		
S W ¼ 3	10	6 W	18 May, '44.		Moses S. Sparks and R. W. Wright & Sam'l Duffield.
			Richard Baker.		
S E 3	10	6 W	18 May, '46.	John A. Mairs.	
			Jacob B. Pitcock.		
N E ¼ 10	10	6 W	18 May, '47.	Margaret Williamson.	
			Wiley B. Miller.		
11	9	9 W	16 Sep'r, '46.		
12			16 " "		
			William Thrasher.		
N W ¼ 14	10	7 W	10 M'ch, '47.		
			William R. Cox.		
S W ¼ 14	10	7 W	12 Aug't, '45.		Thomas M. Wright.
N W ¼ 21			11 " "	Alfred Carter.	

			Alfred Carter.		
S W ¼ 15	10	7 W	22 May, '44.	James G. Beard.	
N E ¼ 21			23 M'ch, '47.	John Fossett.	
			James G. Beard.		
S W ¼ 4	11	6 W	20 May, '48.		
S W ¼ 21	10	7 W	11 Dec'r, '47.		
N W ¼ & S W ¼ 22			12 Feb., '50.		
S E ¼ 24	10	7 W	29 July, '44.		
N E ¼ & W ½ 34			29 " '47.		
N W ¼ 35			27 April, '48.		
N ½ 3	11		11 Dec'r, '47.	Also.	
S W ¼ 4	11	6	20 May, '48.		
			Jesse Ward.		
N E ¼ 22	10	7 W	1 Feb., '47.	Reese Wood.	
			Charles F. Glesson.		
S E ¼ 22	10	7 W	16 Aug't, '47.	Jno. C. Gleaton.	
			Eliza F. Morris.		
N W ¼ 23	10	7 W	10 Feb., '47.		Morton Dudley.
E ½ & S W ¼ 27			10 " "		N ½ of N E, Jno. C. Gleaton; S W ¼, W. D. May.
			James B. Waters.		
S E ¼ 23	10	7 W	25 Aug't, '47.		Henry P. Pou.
S E ¼ 26			2 Sep'r, "		
			James A. Chapman.		
S E ¼ 34	10	7 W	17 Dec'r, '47.		Alex. G. Mooney.

Exhibit A—continued.

John Rayburn.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N E ¼ 35	10	7 W	13 April, '50.		James G. Beard.
			James H. Unthank.		
S W ¼ 35	10	7 W	20 Jan'y, '51.		
N W ¼ 1		6	20 " "		
			James M. Howry.		
Lots B and C 4	11	7 W	18 May, '47.		
5			18 " "		
			Elizabeth Rayburn.		
Lot A 4	11	7 W	26 July, '48.		
			Moore Moore.		
E ½ 14	11	7 W	6 Aug't, '47.		
			John G. Brody.		
E ½ 3	11	7 W	9 Jan'y, '46.		
			Harelson McMinn.		
S W ¼ 11	10		18 July, '45.		Claiborn S. McGee.
N W ¼ 14			5 Jan'y, '47.		
N W ¼ 27			9 " '45.		William Covington.

Edmund D. Green.

S E ¼ 12	10	6 W	22 May, '48.		

Woodson Young.

N E ¼ 13	10	6 W	2 Sept., '47.		

George G. Reneau.

S E ¼ 13	10	6 W	1 Aug't, '45.		

Julaan Fowler.

N E ¼ 14	10	6 W	8 Sept., '47.		Harelson McMinn.
S E ¼ 27			15 "	Jas. & And. J. Magee.	

William Noll.

S E ¼ 14	10	6 W	19 Dec'r, '46.		John H. Burnette.

Anthony W. Wright, (perhaps Rob't, instead of Anthony.)

E ½ 21	10	6 W	1 July, '44.	S E ¼, Lucy L. Pratt, (S E ¼,	sale annulled & floated by D. S.)

George W. Daton.

N W ¼ 21	10	6 W	17 July, '44.	Allen L. Godfrey. (Sale annulled and floated by D.	
N E ¼ 27	10	6	18 May, '46.	Saffarans.)	

John D. Bradford.

N E 23	10	6 W	1 March, '49.		E. R. Brantley.

Robt. H. Bagley.

N W ¼ 23	10	6 W	6 June, '46.		

Joseph J. Caldwell & Martha Ann Bell.

E ½ 25	10	6 W	27 Aug't, '49.		

Ayres et al. vs. Carver et al.

20 Ga. 51

Exhibit A—continued.

Benjamin McCullar.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N W 25	10	6 W	18 May, '48.		Alex. McCullar.
			Grissilla M. Pou.		
N E ¼ 24	10	7 W	11 Aug't, '47.		Henry P. Pou.
			Andrew J. Walker.		
S W ¼ 24 N W ¼ 25	10	7 W	18 May, '47.		
			Henry Allen.		
N E ¼ 25	10	7 W	22 April, '47.		
			James B. Waters and Duncan C. Williams.		
S E ¼ 25 N E ¼ 36	10	7 W	16 Sept., '47.		William Mooney.
			John Keith.		
N E ¼ 26	10	7 W	25 Aug't, '47.		James A. Chapman.
			John C. Hubbeard.		
S E ¼ 26	10	7 W	15 Sept., '43.	Peter Hubbeard.	
			George Armstrong.		
N W ¼ 10	10	6 W	1 March, '47.	Thomas J. & Jno. C. Riley.	
S E ¼ 10	10	6	18 May.	Jesse McCullar.	William L. Woods.

Porter R. Gill.

N E ¼ 11	10	6 W	18 May, '48.	Peyton R. Gill.

Reuben J. Patton.

N W ¼ 11	10	6 W	8 Aug't, '48.	Rob't F. Williamson.

Alexander McCullar.

S W ¼ 12	10	6 W	18 May, '48.	
N W ¼ 13				
S W ¼			15 April, '50.	

James McGee.

N E ¼ 26	10	6 W	18 May, '48.	
N W ¼			" '44.	
S W ¼			Dec'r, '47.	

Marel Hill.

S E ¼ 26	10	6 W	1 July, '47.	

Andrew J. Magee.

S W ¼ 27	10	6 W	15 Nov'r, '49.	
N W ¼ 35			18 May, '48.	
S ½ 35			19 May, '45.	S E ¼, J. W. Morgan, (dec.)

Alexander McGee.

N E ¼ 34	10	6 W	18 May, '48.	(Probably And. J. McGee.)
N W ¼ 34	10	6 W	15 Nov'r, '49.	
S W ¼			18 May, '48.	
			19 " '45.	

Ayres et al. vs. Carver et al.

2054. 53.

Exhibit A—continued.

Hewlet S. Mitchell.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S E ¼ 34	10	6 W	4 Oct'r, '47.		And. J. McGee.
			John McCullar.		
N E ¼ 35	10	6 W	18 May, '46.	Jackson & James McCullar.	
			Jonathan H. Woods.		
S W ¼ 7	10	6 W	18 May, '44.		Thos. Bradford.
			John Kemp, (deceased.)		
S E ¼ 7	10	6 W	1 Aug't, '46.		W ½, Wm. Hunter.
			Benjamin Middleton.		
N W ¼ 8	10	6 W	18 May, '44.	Margaret D. Carpenter.	
			Hardy Benson.		
S E ¼ 4 N E ¼ 5	11	6 W	3 May, '47. 1 Aug't, '46.		
			Jacob Kuikendall.		
N W ¼ 5 S E ¼ 6	11	6 W	11 Oct'r, '45.		
			John M. Bradford.		
S ½ 5	11	6 W	21 Oct'r, '45.		

			Morton Dudley.			
N E ¼	6	11	6 W	21 Nov'r, '43.		George London, (But no title on record.)
			Samuel S. Raburn.			
N W ¼	6	11	6 W	4 Aug't, '45.		
S W ¼	6			2 Jan'y, '46.		
			John Hiner.			
N W ¼	10	16	4 E	23 July, '44.		
N E ¼	19				Simeon Miers.	
N W ¼						
S W ¼	15			Bot. in '39.		
			James D. Goins.			
S W ¼	10	16	4 E	25 Jan'y, '43.	Absalom Levanslear.	
			Mary Andrews.			
S E ¼	10	16	4 E	25 Jan'y, '43.	Lawrence Daniel.	
			John G. Henly.			
S W ¼	19	16	4 E	16 July, '44.	Geo. M. Moseley.	
			Stephen Saunders.			
S E ¼	19	16	4 E	16 July, '44.	E ½, Simon Myers.	
			Aaron M. Cook.			
N ½	27	16	4 E	22 July, '44.	Ann Cook.	
			William Whitfield.			
S W ¼	27	16	4 E	22 Oct'r, '44.		
S E ¼				30 Dec'r, '44.		
S ½	28			22 Oct'r, '44.		

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
W ½ 29			19 Jan'y, '44.		
E ½ 33					
W ½			10 June.		
N ½ 30			19 July.		
S fr'l ½ 30	16	4 E	10 June, '44.		
N ½ and S W ¼ 34			19 July.		
S E ¼			10 June.		
N W ¼ and S ½ 35			19 July.		
			John Peppers.		
N E ¼ 14	1	6 E	11 April, '44.		
			John H. Bailes.		
N W ¼ 14	1	6 E	9 Dec'r, '46.		
			John Ratliff.		
S W ¼ 14	1	6 E	18 Aug't, '45.		
			Wilson N. Thompson.		
S E ¼ 14	1	6 E	26 Feb'y, '44.		
			Commodore Perry Autry.		
S E ¼ 17	1	6 E	1 April, '45.		

Jonathan Hunt.

N E ¼ 21	1	6 E	6 Jan'y, '44.		
N ½ 22					
E ½ 9	1	7	6 "	Tennessee.	
S W ¼ 22					
S W ¼ 10				Tennessee.	

Daniel W. Ragsdale.

N ½ 28	16	4 E	26 Dec'r, '45.	N E ¼, Seth Gibbons.	E ½ of N W ¼, T. W. B. Moore; and W ½ of same, Jas. Evans. The above are purchasers.

Samuel H. & John M. Paden.

E ½ 29	16	4 E	8 May, '44.	N E ¼, William Evans.	

Caleb Cox.

S W ¼ 31	1	6 E	30 April, '47.		

David J. Montgomery.

S E ¼ 31	1	6 E	19 Feb'y, '45.		

Daniel J. Dunn.

N E ¼ 32	1	6 E	19 Feb'y, '45.		

Geo. W. Graham.

N W ¼ 32	1	6 E	27 Feb'y, '47.	John Easley.	

Samuel Rankin.

S W ¼ 32	1	6 E	15 May, '47.	Allen Neighbors.	

Exhibit A—continued.

John H. Graham.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N E ¼ 15	1	6 E	10 June, '45.		
N W ¼			1 Feb'y, '45.		
			George W. Graham.		
S E ¼ 15	1	6 E	19 Feb'y, '45.		
			Elijah H. Dabbs.		
N W fr'l ¼ 35	11	8 E	25 May, '46.	Monroe county.	
S W fr'l ¼			24 July, '44.		
			Edmund W. Rootes.		
N W ¼ 32	11	8 E	29 April, '44.		
S E ¼				Monroe.	
			John McRae.		
N E ¼ 21	10	10 E	5 Jan'y, '44.		
N E ¼ 22	11	10	11 Jan'y, '45.		
N E ¼ 23	11	10	5 Jan'y, '44.		
S W ¼					
			Henry Duke.		
N W ¼ 21	10	10 E	27 Dec'r, '43.		
			Wm. T. Gilmon.		
S W ¼ 21	10	10 E	2 Dec'r, '44.		

			Edward Maxey.		
S E ¼	21	10	10 E	17 Nov'r, '48.	
			John & Levi P. Beauchamp.		
N W ¼	22	10	10 E	28 July, '45.	
S E ¼				24 Aug't, '46.	
			Amon May.		
S W ¼	22	10	10 E	27 Dec'r, '44.	
			William Burleson.		
N E ¼	23	10	10 E	17 Dec'r, '44.	Wm. Finley.
			William F. Finley.		
S E ¼	23	10	10 E		
			Doctor Nunan Cayce.		
N ½	24	10	10 E	1 July, '43.	Edward Maxey.
S W	24	10	10 E		Council Cooper.
S E				7 Feb., '51.	Edward Maxey.
			Richard Payne, (Nick Payne.)		
S W	26	10	10 E	20 Jan'y, '45.	
			Alfred Maxey.		
N W ¼ & S ½	27	10	10 E	24 July, '43.	N W ¼ and S E ¼.
				4 June, '44.	S W ¼.
			Edward T. Leech.		
N W ¼	22	11	10 E	26 Aug't, '45.	
S W ¼				25 Jan'y, '44.	John C. Cowley.

Ed. Maxey.

2067. 89.

Exhibit A—continued.

Alexander Thompson.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S E ¼ 22	11	10 E	24 Jan'y, '44.	Wiley Wilkerson.	
N W ¼ 23					
			James Word.		
N E ¼ 18	1	10 E	27 Aug't, '44.		
N E ¼ 21			9 Jan'y, '44.		
S E ¼			27 Dec'r, '44.	Wm. Stoydon.	
S W ¼ 28				G. Johnson.	
S E ¼ 28			9 Jan'y, "		
S E ¼ 21	1	9	27 Dec'r, "	Wm. Flat.	
W ½ 22			9 Jan'y, "	S W ¼ Daniel Flat.	
S E ¼				Wm. Butten.	
S W ¼ 23				G. N. and J. Washburn.	
S W ¼ 18		10 E	27 Aug't, '45.	James Busby.	
			William G. Campbelle.		
N W ¼ 18	1	10 E	2 April, '51.		
			Allen Kendrick.		
S E ¼ 18	1	10 E	2 April, '51.		
S E ¼ 23	1	9 E			
			Winship S. Petty.		
N W ¼ 21	1	10 E	21 Aug't, '48.		

William Stockton.

S W ¼ 21	1	10 E	2 Sep'r, '46.		
N E ¼ 28			11 Feb., '45.		

James Thomas.

N E ¼ 26	1	10 E	27 Dec'r, '44.		
N E ¼ 23			12 Sep'r, "		
W ½ & S E ¼			27 Dec'r, "		

Edward P. Carlos.

W ½ 26	1	10 E	1 M'ch, '45.		

Calvin A. Taylor.

S E ¼ 26	1	11 E	2 June, '45.		

Bennett S. Trice.

N W ¼ 28	1	10 E	9 Sep'r, '44.		

John Marshall.

N E ¼ 15	9	10 E	11 M'ch, '44.	Thomas J. Cook.	

James Bromly.

S W 15	9	10 E	1 June, '46.	Wm. C. Bromly, at L. office;	Sarah Bromly et al.

Samuel Edwards.

N E ¼ 5	11	7 E	28 July, '45.		

Samuel P. Johnson.

N W ¼ 5	11	7 E	27 May, '44.	Lindsay Johnson.	

James Caruthers.

S W ¼ 5	11	7 E	15 May, '44.		
S ½ 6					

Ayres et al. vs. Carver et al.

2022
61

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
N E ¼ 7	11	7 E	15 May, '44.		
			Joseph Woodruff.		
S E ¼ 5	11	7 E	11 Aug't, '46.	Sam'l Edwards.	
			Henry Chumpert.		
N E ¼ 6	11	7 E	27 May, '44.		
S W ¼ 7			15 May, '44.		
			John Talley.		
N W ¼ 6	11	7 E	15 May, '44.		
			James M. Harris.		
N W ¼ 7	11	7 E	15 May, '44.		
			Wilkes G. Conwell.		
S E ¼ 7	11	7 E	20 Oct'r, '44.		
			Solomon M. Cunningham.		
N E ¼ 21	1	9 E	27 Dec'r, '44.		
			John Bourland.		
S W ¼ 21	1	9 E	5 Feb., '45.		
			Solomon Evins.		
N E ¼ 23	1	9 E	9 Oct'r, '47.		

William Walker.

N W ¼ 23	1	9 E	27 Dec'r, '44.	James Word.

Thomas Walker.

N W ¼ 24	1	9 E	4 April, '51.	

John G. Randolph.

W ½ 9	1	7 E	27 Dec'r, '44.	Tennessee.
N ½ 10				Tennessee.

John Potts.

S E ¼ 10	1	7 E	24 Sep'r, '46.	Tennessee.

Samuel Modlin.

N W ¼ 14	1	7 E	10 Aug't, '47.	

Peter F. Boone.

N W ¼ 15	1	7 E	6 Jan'y, '44.	

William Lasley.

S W ¼ 15	1	7 E	8 Nov'r, '43.	Peter F. Boone.
S E ¼			31 Dec'r, '44.	
N E 22	1			
N W			8 Nov'r, '43.	

Martin Griffis.

W ½ 12	3	10 W		

Jno. N. Wilie.

S ½ 29	6	10 W	17 Jan'y, '46.	
N W ¼ 20	7	11	19 Aug't, '45.	
S ½			16 Aug't, '45.	

Exhibit A—continued.

Sec.	T.	R.	Date of purchase.	To whom conveyed.	To whom assessed.
S W ¼ 8	6	10	17 Jan'y, '46.		
W ½ 31	7	10	30 Sep'r, '45.	Trust for P. J. Weaver.	
			Benjamin F. Osborn.		
S E ½ 22	1	7 E	11 Jan'y, '50.		
			Margaret Ladd.		
N E ¼ 27	1	7 E	27 Nov'r, '50.		
			David A. Woodall.		
S W ¼ 27	1	7 E	1 Oct'r, '50.		
7	3	10 W			Andr. Kerr.
8					
15	4	9 W		Peter W. Lucas.	
20					
21				" & Willis M. Lee.	
22					
23					
26					
9	10	6 W		N W ¼, Alfred Gatlin; S E ¼, Matthew Clanton; S W ¼,	Aaron Pitts; N E ¼, James Slaughter.
15				P. W. Lucas, S E ¼ State;	N E ¼ State; S W ¼ A. G. Wiley.
20				Trust deed to P. W. Lucas.	We-ah-tubby.

				The above S. 20 conveyed by P. W. Lucas to Henry Allen, and S E ¼ ass'd Lorenzo D. Cook.	
22	10	6 W		E ½ conveyed to James Magee, by P. W. Lucas, and N W ¼ to A. G. Wiley;	ass'd In-to-mah-tubby.
31	10	6 W	}	Conv'd by Dan'l Saffarrans	to Lucas by deed trust.
32					
33					
19				Floated by Dan'l Saffarans.	
S E ¼ 21	10	6 W		Bo't by Anthony W. Wright, sale annulled, and floated	transferred to Lucy L. Pratt; by Saffarrans.
N W ¼ 21	10	6 W		Bo't by Geo. Daton, floated Allen G. Godfrey.	by Saffarrans, and sold to

Sec.	T.	R.		Original purchaser.	Present claimant.
Section 4					
N E ¼	11	6 W	}	Gordentia Waite.	(Peter H. Dubois, James C. Dubois, John R. Dubois, and Alfred W. Harris, as appears by deed dated 25th Dec., 1846; recorded March 15, '49, on book L, p. 568, probate clerk's office, Y. C.)
N W ¼					
S W ¼	11			James G. Beard.	J. G. Beard.
S E ¼				Hardy Benson.	Hardy Benson.
Section 5	11	6 W			
N E ¼					

Exhibit A—continued.

Sec.	T.	R.		Original purchaser.	Present claimant.
N W ¼				Jacob Kuikendall.	Jacob Kuikendall.
S ½				John M. Bradford.	John M. Bradford.
Section 6	11	6 W			
N E ¼				Morton Dudley.	Claimed by George London, now in possession—but no evidence of title appears on record.
N W ¼				Samuel S. Rayburn.	S. S. Rayburn.
S W ¼					
S E ¼				Jacob Kuikendall.	Jacob Kuikendall.
Section 19	11	6 W		No-wah-tubby.	Conveyed by No-wah-tubby, by deed dated 25th Jan., '45, to Anderson & Saffarrans; recorded in book J, probate clerk's office, Y. C.

Daniel Saffarran's quit-claim deed to Walter Goodman, trustee of Henry Anderson, deceased, dated 15th December, 1848; recorded on book M, pages 279,–'80 and 81.

Deed from Walter Goodman, trustee and executor of Henry Anderson, deceased, (for the fractional S. ½ of section 19,) to W. D. Moore, the present claimant, and who is now in possession of the same, dated 7th December, 1849; recorded on book M, page 220.

N. ½ of same section is now in the possession of and claimed by James P. Ming, but no evidence of title appears on record.

On the 2d day of June, 1851, the complainant filed a motion in this cause, in the words and figures following, to wit:

District court U. S. at Pontotoc, June term, A. D. 1851.—Equity side of the docket.

HIRAM CARVER
vs.
JOS. W. MATTHEWS et al.

The complainant moves the court to order that this cause be proceeded in by having before the court the defendants, James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, Thomas N. Niles, and Eli Ayres; the parties defendants being very numerous, and cannot, without manifest inconvenience and oppressive delays, be all brought before the court, and the said defendants named being sufficient parties before it to represent all the adverse interests in the questions at issue in the suit on the part of the defendants.

GOODE, BLANTON & COCKE,
Sol's for compl'ts.

And afterwards, to wit, on the 4th day of June, A. D. 1851, it being a day of the June term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JAMES BROWN et al.

WEDNESDAY, *June 4th, A. D.* 1851.

This day came on to be heard the complainant's motion to allow the complainant to proceed in this cause against the following defendants, to wit: James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, Thomas N. Niles, and Eli Ayres; and it appearing to the satisfaction of the court that the other defendants in said cause were so numerous that said cause could not be proceeded in without manifest inconvenience and oppressive delays, it is ordered, adjudged, and decreed by the court that said cause shall proceed and be prosecuted against the said James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, Thomas N. Niles,

and Eli Ayres, they being sufficient parties defendants before said court to represent all the adverse interests at issue in this suit on the part of the defendants, and that subpœna issue directed to said defendants, together with a copy of this order.

And afterwards, to wit, on the 24th day of June, A. D. 1851, a subpœna was issued in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Northern district of Mississippi, ss.

The President of the United States:

To Joseph W. Matthews, James Brown, Jacob Thompson, Thomas L. Jones, John Peyton Jones, Eli M. Driver, Thomas B. Hoover, Jesse Heard, James Brown, Pittser Miller, Gully M. Brown, William S. Jones, John N. Wilie's unknown heirs, Weldon Jones, Richard E. Orne, Jane Eades, Anthony B. Lambert, Daniel Laurence, Mary E. Mitchell, George Work, James Brown, Austin Miller, Thomas N. Niles, Steppacher and Bissinger, Robert W. Edmondson, William S. Neilson, William Hawly, Deadrich Windel, Benjamin M. Bradford, John Davis, Samuel B. Sheldon, John D. Martin, Levi J. Taylor, Alexander Matthews, John A. McNeil, Hugh Craft, Daniel Saffarrans, John A. Sims and Larry Sims, Thomas J. Malone, Elizabeth V. Lockridge, James Perry, Franklin Smith, William S. Neilson, Samuel Bullen, Littleberry Leftwick's unknown heirs, William T. Lively, Elliot Jones's unknown heirs, Andrew J. Jones, Branch Morgan, Hugh McGehee, Allen Elan, Samuel M. Cohan, John Cohan, James Greer, James Barbee, Charles H. Morgan, James Laughlin, Wiley Smith, Andrew J. Saunders, G. W. Saunders, William H. Kilpatrick, Samuel H. Nelms, Henry N. Rayburn, William H. Duke, Jared Kirkly, Moses Perkins, John Perkins, Charles G. Butler, Zachariah N. Burnett, Mary L. Ellis, Francis Hudson, Cynthia Ann Bayles, Gordentia Waite, Holland W. Middleton, John T. Barefoot, Elizabeth Marshall, James Baker, Peyton R. Gill, John A. Mairs, William H. Mairs, Richard Baker, Jacob B. Pitcock, Wiley B. Miller, William Thrasher, William R. Con, Alfred Carter, James B. Beard, Jesse Ward, Charles F. Glesson, Eliza F. Morris, James B. Waters, James A. Chapman, James H. Unthank, James M. Houry, Elizabeth Rayburn, Moore Moone, Harrelson McMinn, Edward D. Greene, Woodson Young, George G. Renau, Julaan Fowler, Anthony W. Wright, William Noll, George W. Daton, John D. Bradford, Robert H. Baley, Joseph J. Caldwell, Bell, Benjamin McCullar, Grissilla M. Pou, Andrew J. Walker, Henry Allen, James B. Waters, Duncan C. Williams, John Keith, John C. Hubbard, George Armstrong, Porter R. Gill, Reuben J. Patton, Alexander McCullar, James McGee, Marel Hill, Andrew J. Magee, Alexander McGee, Hewlet S. Mitchell, John McCullar, John Kemp's unknown heirs, Benjamin Middleton, Duke and Duke, executors of the unknown heirs of Hardy Benton, Jacob Kuikendall, John M. Bradford, Morton Dudley, Samuel F. Raburn, John Hiner, James

D. Goins, Mary Andrews, John G. Henley, Stephen Saunders, Aaron M. Cook, William Whitfield, Jonathan Hunt, unknown heirs of Daniel W. Ragsdale, Samuel A. Paden, John M. Paden, Caleb Cox, David J. Montgomery, Daniel J. Dunn, George W. Graham, Samuel Rankin, John H. Graham, Elijah H. Dabbs, Edmond W. Rootes, John McRae, Henry Duke, Henry T. Gilmore, Edward Maxey, John Beauchamp, Amon May, William Burlson, William F. Finley, Doctor Nunan Cayce, Counsell Cooper, Birchat Payne, Alfred Maxey, Edward T. Leech, Alexander Thompson, James Word, William G. Campbell, Allen Kendrick, Winship S. Petty, William Stockton, James Thomas, Edward P. Carlos, Calvin A. Taylor, Bennett S. Trice, John Marshall, James Bromly, Samuel Edwards, Samuel P. Johnson, James Caruthers, Joseph Woodruff, Henry Chumpert, John Tally, James M. Harris, Wilks G. Connell, Solomon M. Cunningham, John Bouland, Solomon Evans, William Walker, Thomas Walker, John G. Randolph, John Potts, Samuel Modlin, Peter F. Boon, William Lasley, Martha Griffis, Benjamin F. Osburn, Margaret Dodd, David A. Woodall, and also R. Jones Shell, William G. Huddleston, Hyel S. King, George Work, James Brown and Austin Midler, James Brown, Mark Healey, Samuel B. Sheldon, Isaac C. Wilie, Philip J. Weaver, Daniel Lawrence, John H. Bills, the unknown heirs of James K. Polk, Ezekiel P. McNeil, Thomas N. Niles, Ransom H. Byrn, Reverdy Johnson, Joseph W. Chalmers, Edwin E. Estes, W. H. P. Orne, Eli M. Driver, James Brown, Pittser Miller, Robert L. Crawford, the Bank of Alabama, D. Y. Hall, Richard E. Orne, Andrew J. Edmondson, Allen Elam, Wiley Smith, Elizabeth McCarver, Merrill Hill, John C. Hubbard, Alexander B. Bradford, Alexander B. Bradford and Ransom H. Byrn, James Kirkman and John T. Abernathy, Sanford G. Barney, Samuel Stebbens, Andrew J. Saunders, G. W. Saunders, Thomas H. Nelms, Benjamin R. Bynum, Robert Carter, John R. Ward, Peyton R. Gill, David T. Johnson, Thomas E. Pearsell, Laurence Daniel, George C. Preay, A. Du Beooy, Alfred Maxey, Wardlin Howard, Charles G. Butler, James R. Kelly, James B. Waters, Aba Herring, Peter H. Dubois, James C. Dubois, John R. Dubois, Alfred W. Harris, Thomas J. Mayfield, Thomas Clement, John Y. Roll and Jacob B. Pitcock, W. T. B. Wells, S. J. Mobley, Meletia McMinn, the unknown heirs of John Keup, W. L. Covington, John A. Mairs, the unknown hiers of Reuben Jones, Samuel Duffield and Moses S. Spark, and Robert W. Wright, Margaret Williamson, Thomas M. Wright, Alfred Carter, James T. Beard, John Fosset, Reese Wood, John C. Gleaton, Martin Budley, William D. Wray, Henry P. Pou, Alexander G. Mooney, Claiborne S. McGee, William Covington, Harrelson McMinn, James McGee, Andrew J. McGee, John H. Burnett, E. R. Brantly, Alexander McCullar, William Mooney, James A. Chapman, Peter Hubbard, Thomas J. Riley and John C. Riley, Jesse McCullar, William L. Woods, Robert T. Williamson, the unknown heirs of John W. Morgan, Andrew S. McGehee, Jackson McCullar, James McCullar,

Thomas Bradford, William Hunter, Margaret D. Carpenter, George London, Simon Myers, Absalom Levanslear, George M. Mosely, Ann Cook, T. W. B. Moore, James Evans, William Evans, John Easley, Allen Nabors, William Finley, Edward Maxey, Nicholas Payne, Wilie Winkinson, William Stockton, G. Johnson, William Flat, Daniel Flat, William Button, G. N. Washburn and J. Washburn, James Busby, James S. Cook, William E. Brounley and Sarah Brounley, Lindsay Johnson, Samuel Edwards, James Word, and Peter F. Boone, citizens of the State of Mississippi, and resident in the northern district thereof, greeting:

For certain causes offered before us in our district court for the northern district of Mississippi, sitting in chancery, we command you, that laying all other matters aside, and notwithstanding any excuse, you personally appear at our district court, in and for said district, sitting in chancery, to be held at the town of Pontotoc, on the first Monday of September, to answer a bill of complaint exhibited against you by Hiram Carver, a citizen of the State of Alabama, complainant, in our said court, and further to do and receive what our said court shall consider in this behalf; hereof fail not, as you will answer the contrary at your peril.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, the first Monday of June, A. D. 1851, and in the seventy-fifth year of the independence of the United States.

[L. S.]

Issued the 24th day of June, A. D. 1851.

R. W. EDMONDSON, *Clerk*.

Memorandum for Defendants.

The defendants in this case are required to enter their appearance in said cause in the office of the clerk of the district court of the United States for said district, on or before the first Monday in next, or complainant's bill may be taken for confessed.

R. W. EDMONDSON.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

Order of court at June term, 1851.

WEDNESDAY, *June 4th, A. D.* 1851.

This day came on to be heard the complainant's motion to allow the complainant to proceed in this cause against the following defendants, to wit: Jas. Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, Thomas N. Niles, and Eli Ayres; and it appearing to the satisfaction of the court that the other defendants in said cause were so numerous that said cause could not be proceeded in

without manifest inconvenience and oppressive delays, it is ordered, adjudged, and decreed by the court that said cause shall proceed, and be prosecuted against the said James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, Thomas N. Niles, and Eli Ayres, they being sufficient parties defendants before said court to represent all the adverse interest at issue in this suit on the part of the defendants; and that subpœna issue directed to said defendants, together with a copy of this order.

R. W. EDMONDSON, *Clerk*.

To the marshal of the northern district of Mississippi, to execute and return by the first Monday of September next.

This subpœna will not be executed upon Eli Ayres, by order of plaintiff's attorney.

R. W. EDMONDSON, *Clerk*.

Upon which said subpœna the marshal made the followng return, to wit:

Came to hand 12th July, 1851, and executed same day on Thomas N. Niles and John D. Bradford; July 15th, 1851, on John P. Jones and James Brown; July 17th, 1851, on Jacob Thompson, all waiving copies except James Brown, as per endorsement thereon.

WM. McQUISTON, *Marshal*.

Executed on Wm. H. Duke, July 19th, 1851.

WM. McQUISTON, *Marshal*,
By W. D. HOLDER, *D. M.*

We waive copy of subpœna:

July 12th, '51,	T. N. NILES,
July 12th, '51,	J. D. BRADFORD,
July 15th, '51,	JOHN P. JONES,
July 17th, '51,	J. THOMPSON,
July 19th, '51,	WM. H. DUKE.

The answer of James Brown to the original bill of complaint, filed first day of September, 1851, is in the words and figures following, to wit:

United States of America, district Federal court, northern district of Mississippi, Pontotoc.

The separate answer of James Brown, a citizen of said northern district of Mississippi, to the bill of complaint filed against him and others in this honorable court by Hiram Carver, a citizen of Marion county, State of Alabama.

This respondent, saving and reserving all right of exception to the many irregularities, imperfections, &c., in said bill contained, for answer thereto, or so much as he is advised it is material for him to answer unto, answers and says: That it is true that treaties were made

bill of complaint, on the 20th January, 1843, or of his tender of the money for the same, as stated in interrogatories 8 and 9, appended to the bill of complaint; nor does he know any thing further of the truth of the statements in said interrogatories, but calls for strict proof as to the statements made in interrogatories 1, 2, 3, 4, 5, 6, and 7, appended to the bill of complaint; and this respondent not having before him the records of the land office, (accessible to complainant,) and they referring to matters which respondent believes are of record in said land office, he refers to said records for an answer, and in fact he is compelled so to do, as he has but little real knowledge of the truth or falsehood of the statements contained in said interrogatories.

This defendant further states, that he was a bona fide purchaser of the lands mentioned in exhibit No. 1; that he had no knowledge of complainant's claim; that he fully paid for said lands; that he has the patents from the Government of the United States, and that if complainant has any remedy for his alleged wrongs, it is not against this respondent, but against the officers who filled the land office at Pontotoc in January, 1843. Respondent has or can have at the hearing of this cause the patent for all the lands mentioned in exhibit No. 1, if the same is required by complainant.

Defendant further states, that from the year 1838 until the year 1845, he was not familiar with the business doing at Pontotoc; that he does not now recollect that he made any entries of land during that period, and that, consequently, he could not have known much about what was doing there.

Respondent further states, that when he applied in 1845 to enter lands, he procured from the register of the land office at Pontotoc a list of the townships, ranges, and sections which graduated at different periods, and afterwards he attended at the different graduating days to enter lands as the price would fall from 25 to 12½ cents per acre; that on these occasions there was frequent competition, and tracts of land were frequently run up to a price beyond 12½ cents per acre, and respondent in fact paid more for the lands mentioned in exhibit No. 1 than complainant alleges he tendered for them, as will appear by reference to said exhibit.

Defendant further states, that he has heard and believes, and so charges the fact to be, that the lands mentioned in exhibit A of complainant's bill had been withheld from private sale or entry for several years, in consequence of a number of locations of Indian reservations being tendered over them, which withdrew them from market during the pendency of said claims, which were finally rejected at Washington city by the proper department there as fraudulent and void, and that, as respondent is advised, said lands mentioned in exhibit A of complainant's bill did not graduate until after the 20th January, 1843, to 12½ cents per acre. Defendant denies that he is assignee of any lands claimed in exhibit A of complainant's bill, so far as he now knows, but states that he entered the lands mentioned in exhibit No. 1 of this answer.

with the Chickasaw Indians by the Government of the United States, but respondent does not deem it necessary or proper for him to set out the contents of said treaties, or put a construction upon the same. Respondent admits that in the month of January, 1845, he entered in the land office at Pontotoc certain lands in township 2 and 3, in range 10 west, which he entered at 25 cents per acre, and from that period on he continued to enter lands, all of which lands, the time of the granting of the patents therefor by the General Government to respondent, and the sum paid therefor, as also the person to whom the same have been transferred by respondent, are contained in a paper herewith filed, marked Exhibit No. 1, and prayed to be taken as part of this answer.

All the lands mentioned on the first and second pages of said exhibit were entered in the name of respondent, and the remainder in the names of respondents and Austin Miller, or respondent and Pitser Miller, as is marked and set forth in said exhibit. Respondent states that he paid the gold or silver for all said lands in the proper land office at Pontotoc at the date of making said entries, all of which said entries were made in or after said month of January, 1845, and that respondent does not owe one cent for said lands. This is his response to the 13th special interrogatory in complainant's bill. Respondent states that he did not make any entries of lands in the land office at Pontotoc from the year 1838 until 1845, and that exhibit No. 1, so far as respondent recollects, are all the lands entered by respondent since 1845. Respondent states that he was permitted to enter the lands mentioned in exhibit No. 1 by the proper officer of the land office, and respondent claims the land not marked conveyed as his own mentioned in said exhibit; and those entered by respondent and Austin Miller or Pitser Miller, respondent insists are the joint property of respondent and said Austin or Pitser Miller.

Respondent denies that, at the time of entering the land mentioned in exhibit No. 1, he had any notice whatever, either directly or indirectly, that complainant had ever offered to enter said land, or had tendered the money therefor to the receiver of the land office at Pontotoc, as stated in his bill, and requires strict proof of the allegations contained in said bill in this behalf. Respondent further states that he never heard or knew that complainant was in existence, or had any claim or set up any claim to the lands mentioned in the bill or to any other of the lands embraced in the Chickasaw treaty, until a few months since, certainly not over a year since. This is the answer of respondent to the 11th and 12th interrogatories appended to the bill of complaint. Respondent answering states further, that he is advised that in consequence of some difficulties about the claim of reservations for some land, that they did not graduate to twelve and one half cents per acre by the 20th of January, 1843, but of this defendant does not know any thing of his own knowledge, but should he discover any thing on this point before the hearing of this cause, he is willing to disclose the same; and defendant does not know any thing about complainant's offering to enter said lands mentioned in exhibit A of the

Exhibit No. 1 to James Brown's answer.

No. of let and patent.	Section and part of section.	Township.	Range.	Acres.	Cost.	Price per acre.	Date of sale.	To whom transferred, and by whom owned.
							1846.	
19732	S. 29	3	10	638.14	$159 66	25	Jan. 15	James Brown sold to R. H. Byrn.
19733	S. 32	3	10	639.20	159 30			
19734	S. 31	3	10	640.60	160 15			J. Brown sold to R. H. Byrn.
19735	S. 28	3	10	639.84	159 96			
19736	S. 33	3	10	639.68	159 92			J. H. Bills.
19737	S. 33	3	10	638.70	159 74			J. Brown.
19739	S. W. ¼ 11	5	10	160.90	20 11			E. P. McNeil.
19740	W. ½ 14	5	10	320.72	40 22			E. P. McNeil.
19741	N. ½ 22	5	10	321.40	40 18			J. H. Bills.
19742	S. W. ¼ 22	5	10	160.70	20 09			J. H. Bills.
19743	S. 28	5	10	645.76	80 72			J. Brown.
19744	S. 29	5	10	644.64	80 58			J. Brown.
19746	S. 28	5	10	641.04	160 26			J. H. Bills.
19747	S. 21	5	10	643.76	80 47			J. H. Bills.
19748	S. 3	6	11	640.00	160 00			J. H. Bills.
19750	S. ½ 36	6	11	302.00	75 50			J. Brown.
19755	S. 8	5	10	640.40	80 30			J. Brown.
19756	S. 17	5	10	641.60	80 20			J. Brown.
19757	N. ½ S. 3	5	10	321.44	40 18			J. Brown.
19758	S. W. ¼ 3	5	10	160.92	20 09			J. Brown.
19908	S. 19	5	10	659.96	82 50			J. Brown.
19909	S. 20	5	10	646.16	80 52			J. H. Bills.
19913	N. ½ S. 34	5	11	318.63	39 83			J. H. Bills.
19914	N. E. ¼ 35	5	11	160.03	20 00			E. P. McNeil.
19915	N. ½ S. 33	5	11	320.22	40 03			J. H. Bills.
19916	S. ½ 35	5	11	320.18	40 02			E. P. McNeal.
19917	N. ½ S. 12	5	11	319.88	39 98			J. Brown.
19918	S.E. ¼ S. 34	5	11	159.59	19 95			J. H. Bills.
19919	E. ½ S. 10	5	11	320.32	40 04			E. P. McNeal.
19920	S. 35	3	10	638.96	79 87			E. P. McNeal.
19921	S. 27	3	10	639.20	79 90			E. P. McNeal.
19922	S. 10	3	10	639.12	79 89			E. P. McNeal.
19923	S. 11	3	10	633.36	77 99			E. P. McNeal.
19924	S. 26	3	10	640.08	80 01			E. P. McNeal.
20061	N. ½ S. 25	6	11	320.00	40 00			J. Brown.
20062	S.W. ¼ S.25	6	11	160.00	25 60	16	Jan. 15	J. Brown.
20063	S. E. ¼ 25	6	11	160.00	32 60	21		Do.
20064	N. E. ¼ 36	6	11	160.00	32 00	20		Do.
20065	N. W. ¼ 36	6	11	160.00	20 00	12½		Do.
20066	N. ½ 30	6	10	323.10	40 28	12½		Do.
20233	S. ½ S. 24	6	11	320.32	40 22	12½	Feb. 2 1846.	
19749	N. ½ S. 29	6	11				Jan. 16	James Brown.
19751	S.E. ¼ S.31	6	11	160.00	40 00			James Brown.
19752	S. 23	2	10	640.00	160 00			Sold to A. J. Edmondson

Respondent is advised by counsel, that complainant has not made by his bill of complaint a case which entitles him to any relief in a court of chancery, and he therefore demurs to said bill, and prays to be allowed all the advantages of his said demurrer in as full and ample a manner as though he had specially and separately demurred to the same. Defendant denies all fraud charged directly or by implication in the bill of complaint.

Defendant having fully answered prays to be hence discharged, with his costs in this behalf expended.

SCRAGGS AND WALTER,
Solicitors for respondent.

THE STATE OF MISSISSIPPI, *Lafayette county.*

Personally appeared before the undersigned, an acting justice of the peace in and for the county of Lafayette aforesaid, James Brown, defendant in the foregoing answer, who made oath that the several matters and allegations in said answer contained, made as of his own knowledge, are true, and those made from information of others he believes to be true.

JAMES BROWN.

Sworn to and subscribed before me, August 30th, 1851.

E. R. BELCHER, *Justice of the peace for the county and State aforesaid.*

The replication of the said Hiram Carver, complainant, to the answer of James Brown, defendant.

This repliant saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereto saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto; and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant, without this, that any matter or thing whatsoever in the said answer contained, material or effectual in law to be replied unto, confessed, and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct; and humbly prays as in and by his said bill he hath prayed.

COCKE AND BLANTON,
Solicitors for complainant.

Exhibit No. 1—Continued.

No. of let and patent.	Section and part of section.	Township.	Range.	Acres.	Cost.	Price per acre.	Date of sale.	To whom transferred, and by whom owned.
							1846.	
19753	26	2	10	640.00	$160 00	12½	Jan. 16	Sold to Wm. N. Brown.
19754	35	2	10	640.00	160 00			Sold to E. C. Estes.
19931	W. ½ 26	6	12	320.00				James Brown.
20954	E. ½ 15	7	12	321.00			Feb. 2	Do.
20255	S. W. ¼ 15	7	12	160.00				Do.
20256	S. fr'nal 22	7	12	203.00				Do.
20257	N. W. ¼ 22	7	12	160.00				Do.
20258	S. W. ¼ 23	7	12	160.00				Do.
20372	W ½ S. 14	7	12	320.00			July 30	Do.
20373	N. W. ¼ 23	7	12	160.00				Do.
							1847.	
20840	S. W. ¼ 23	4	11	160.00			June 30	Do.
20841	W. ½ S. 26	4	11	320.50				Do.
20842	S. 27	4	11	641.00				Do.
20843	E. ½ S. 28	4	11	321.00				Do.
20844	S. ½ S. 17	4	11	320.00				Sold to W. H. D. Windel.
20892	N. W. 15	7	12	160.50				Do.
20893	N. E. ¼ 22	7	12	161.50			1847.	Do.
21146	S. 24	5	11	640.00			Mar. 23	Do.
21147	S. ½ S. 13	5	11	320.00				Do.
21149	S. 15	8	9	641.00				Sold to Rev'dy Johnson.
21150	S. 22	8	9	638.00				North ½ sold to J. W. Chalmers.
21151	S. 23	8	9	639.00				Sold to E. C. Estes.
	S. 23	5	11					Sold to James K. Polk.
							1846.	
20048	N. ½ 28	7	11	319.52	79 88		Jan. 16	J. Brown & Aust. Miller.
20049	S. ½ S. 21	7	11	320.08	80 02			Do.
20050	N. E. ¼ 3	8	11	155.50	38 88			Do.
20051	W. fr. S. 5	8	11	190.00	47 50			Do.
20052	N. E. ¼ 5	8	11	159.78	39 95			Do.
20082	N. E. ¼ 29	7	11	159.68	19 96			Do.
20087	N. W. ¼ 32	7	11	160.00	20 40			Do.
20088	S. fr'l ½ 32	7	11	170.50	30 69	18		Do.
20089	S. fr'nal 32	7	11	149.00	18 63	12½		Do.
20092	Fr'nal S. 33	7	11	402.75	50 34	12½		Do.
20094	W. ½ 34	7	11	203.50	25 44	12½		Do.
20095	E. fr. ½ 34	7	11	632.80	79 10	12½		Do.
20097	S. 35	7	11	632.80	79 10			Do.
20098	E. fr. 31	7	11	317.80	39 75			Do.
20099	N. W. ¼ 31	7	11	158.50	19 80			Do.
20104	N. E. ¼ 20	7	11	160.04	40 01			Do.
20105	N. E. ¼ 21	7	11	160.04	40 01			Do.
20106	E. ½ 27	7	11	319.80	39 88			Do.
20120	S. ½ 11	7	11	320.16	80 04	25		Do.
20121	S. 15	7	11	640.23	80 03	12½		Do.
20122	E. ½ 22	7	11	320.00	40 00			Do.
20230	S. 23	7	11	639.20	79 90		Feb. 2	Do.

Exhibit No. 1—Continued.

No. of let and patent.	Section and part of section.	Township.	Range.	Acres.	Cost.	Price per acre.	Date of sale.	To whom transferred, and by whom owned.
							1847.	
20403	N. ½ ½	16	7	11	320.16	$40 02	12½ Mar. 1	J. Brown & Aust. Miller.
20404	S.	19	7	11	631.40	78 93		Do.
20412	S. W. ¼ ¼	3	6	10	159.80	19 98		Do.
20413	N. E. ¼ ¼	9	6	10	160.00	20 00		Do.
20414	N. ½ ½	10	6	10	320.40	40 05		Do.
20415	S. E. ¼	10	6	10	160.20	20 03		Do.
20416	S. ½ ½	7	6	10	325.75	40 72		Do.
20417	N. ½ ½	18	6	10	325.45	40 63		Do.
20418	W. ½ ½	24	3	10	320.38	40 07		Do.
20419	E. ½ ½	30	5	10	321.20	40 15		Do.
20420	N. E. ¼	31	5	10	169.00	20 00		Do.
20421	N. ½ ½	32	5	10	320.00	40 00		Do.
							1846.	
20042	S. ½ ½ S.	6	7	10	318.32	39 79	12½ Jan. 15	James Brown and Pitser Miller.
20043	W. ½ ½	7	7	10	316.42	39 55	12½	Do.
20044	W. ½ ½ ½	20	7	10	319.01	39 88		Do.
20053	S. W. ¼ ¼	11	6	11	159.82	39 96		Do.
20055	S. W. ¼ ¼ ¼	14	6	11	159.90	39 99		Do.
20056	N. E. ¼ ¼	15	6	11	159.64	39 91		Do.
20067	N. W. ¼ ¼	5	7	11	160.00	33 57	21	Do.
20068	N. E. ¼ ¼	6	7	11	160.40	35 25	22¼	Do.
20069	W. ½ ½	6	7	11	296.40	39 05		Do.
20070	S. W. ¼ ¼	5	7	11	160.00	20 00	12½	Do.
20071	E. ½ ½	5	7	11	319.76	39 97	12½	Do.
20072	S. W. ½ ½	5	7	11	159.88	19 99	12½	Do.
20073	S.	8	7	11	639.76	79 97	12½	Do.
20096	S. W. ¼ ¼	32	6	11	149.75	37 46	25	Do.
20100	S.	4	7	11	639.44	79 93	12½	Do.
20101	W. ½ ½	7	7	11	303.20	75 80	25	Do.
20102	N. W. ¼ ¼	17	7	11	159.96	39 97	25	Do.
20103	N. E. ¼ ¼	18	7	11	159.70	39 93	25	Do.
20117		9	7	11	638.56	79 82	12½	Do.
2 118	N. W.	18	7	11	153.20	38 30		Do.
20119	S. E.	17	7	11	159.96	39 99		Do.
20231	S.	12	6	11	640.40	80 00	12½ Feb. 2	Do.
20232	N. ½ ½	13	6	11	321.00	40 00		Do.
20259	E. ½ ½ ½	20	7	10	319.26	39 91		Do.
20260		21	7	10	640.00	80 00		Do.
20350		4	6	10	638.40	79 80	July 30	Do.
20351	N. ½ ½	5	6	10	319.60	39 95		Do.
20359		22	7	10	640.40	80 05		Do.
20362	S.	11	4	11	640.56	160 14	25	Do.
20363	W. ½ ½	14	4	11	321.04	80 01	25	Do.
20364	N. W.	9	4	11	159.51	39 88	25	Do.
20380		2	6	11	639.88	79 86	12½	Do.
20381	N. ½ ½	11	6	11	319.64	39 96	12½	Do.

Exhibit No. 1—Continued.

No. of let and patent.	Section and part of section.	Township.	Range.	Acres.	Cost.	Price per acre.	Date of sale.	To whom transferred, and by whom owned.
							1846.	
20382	S. E. ¼	11	6	11	159.82	$19 98	12½ July 30	James Brown and Pitser Miller.
20383	S. W. ¼	1	6	11	160.00	20 00		Do.
20384	E. ½	14	6	11	319.80	39 98		Do.
20385	S. W. ¼	14	6	11	159.90	19 99		Do.
20386	N. W.	24	6	11	160.16	20 02		Do.
20387	S. E. ¼	15	6	11	159.64	19 99		Do.
20388	S. ½	29	6	11	319.06	39 95		Do.
20389	W. ½	31	6	11	287.55	35 94		Do.
20390	N. E.	31	6	11	160.00	20 00		Do.
20391	W. ½	32	6	11	320.00	40 00		Do.
20392	S. E. ¼	32	6	11	151.25	18 91		Do.
							1847.	
20402	N. ½	12	7	11	316.25	39 52	Mar. 18	Do.
20405	S. ½	18	7	11	318.07	39 28	25	Do.
20406	N. ½	17	7	10	319.48	39 94	12½	Do.
20407	S. E.	17	7	10	159.74	19 97	12½	Do.
20422	S.	25	6	12	640.00	80 00	12½	Do.
20423	E. ½	26	6	12	318.18	39 79	12½	Do.
20484	E. ½	14	7	12	320.80	80 20	25	Do.
20485	E. ½	23	7	12	321.10	80 29	25	Do.
20486	W. ½	1	4	11	320.00	80 00	25	Do.
20487	N. W. ¼	12	4	11	159.74	39 94	25	Do.
20808	S.	14	9	9	642.00	80 33	12½ June 30	Do.
20809	S.	23	9	9	640.04	160 01	25	Do.
20810	S. ½ W. ½	24	9	9	159.33	39 83	25	Do.
20811	N. E. ¼	24	9	9	159.33	39 83	25	Do.
20812	S.	3	9	9	640.12	80 02	12½	Do.
20813	S.	13	9	9	640.28	80 04		Do.
21049	S. E. ¼	27	9	9	160.26	40 07	Dec. 10	Do.
21050	S. W. ¼	26	9	9	180.96	20 12		Do.
21051	S.	34	8	9	438.95	54 87		Do.
21058		2	9	9	639.32	79 92		Do.
21059		27	8	9	639.46	79 93		Do.
21087		1	9	9	639.12	79 88		Do.
21088		35	8	9	437.57	54 69		Do.
21089	S. ½	36	8	9	118.04	14 76		Do.
21137		4	9	9	641.92	80 24		Do.
21138	S. W. ¼	9	9	9	160.48	25 67		Do.
21139	E. ½	19	9	9	320.90	40 11		Do.
21140	S. W.	9	9	9	160.48	20 06		Do.
21141	W. ½	22	9	9	320.52	40 07		Do.
21142	N. E. ¼	27	9	9	160.46	25 67		Do.
21143	W. ½	27	9	9	306.85	38 32		Do.
21144	S. E. ¼	27	9	9	160.44	20 06		Do.
21145	S.	26	8	9	638.21	79 78		Do.
20402	N. ½	12	7	11	316.00	40 00	12½	Do.

We admit that James Brown, James Brown and Austin Miller, and James Brown and Pitser Miller, have the Government patents for the several tracts of land described in the within list; and we waive the production of these patents as evidence upon the hearing. We also admit that the prices paid by them for the several tracts of land described in the within list are correctly stated therein as set opposite to each tract.

December 3, 1851. COCKE & BLANTON,
Solicitors for complainant.

The answer of John Peyton Jones to the original bill of complaint, filed the 11th day of September, 1851, is in the words and figures following, to wit:

To the judge of the district court of the United States, for the northern district of Mississippi.

The answer of John Peyton Jones, of Lafayette county, and a citizen of Mississippi, one of the defendants to the bill of complaint of Hiram Carver, of Marion county, and a citizen of Alabama.

Your defendant, saving to himself all advantage which may be taken by exception to the bill of complaint, and claiming and reserving the right of taking advantage by exception of all errors, uncertainties, insufficiencies and imperfections in the bill contained, says, in answer to the special matters charged in said bill upon oath, that at different times during the year 1846, 1847, and 1848, he applied to the register of the land office at Pontotoc in his own name to enter the following lands, viz:

	Section.	Town.	Range.		
N. E. ¼	6	7	12 West	Containing	160 acres.
N. W. ¼	4	7	12 W.		160
N. ½	5	7	12 W.		320
S. W. ¼	2	8	11 W.		159
W. ½	3	8	11 W.		320
	10	8	11 W.		629
	4	8	11 "		638
S. E. ¼	3	8	11 "		160
	36	6	12 "		621
E. ½	35	6	12 "		312
	23	7	10 "		639
	26	7	10 "		639
E. ½	4	7	12 "		301
	33	6	11 "		626
N. ½	34	6	11 "		319

	Section.	Town.	Range.		
S. W. ¼	34	6	11 W.	Containing	155 acres.
N. ½	35	6	11 "		320
	10	7	12 "		641
N. ½	13	8	11 "		320
S. W. ¼	14	8	11 "		80
	11	8	11 "		640
	12	8	11 "		641
	14	7	10 "		641
	4	8	10 "		640
N. ½	14	8	11 "		320
	25	8	10 "		641
	35	8	10 "		462
	34	8	10 "		467
	36	8	10 "		453
S. ½	5	7	12 "		320
S. E. ¼	6	7	12 "		160
W. ½	6	7	12 "		370
	7	4	11 "		647
	5	8	10 "		645
	6	8	10 "		619
	8	9	9 "		642
	7	9	9 "		643
	29	8	9 "		642
	31	8	9 "		424
	30	8	9 "		631
	19	8	9 "		629
	32	8	9 "		438
	6	9	9 "		641
	5	9	9 "		641
S. E. ¼	35	9	9 "		160

All lying and being in the district of lands subject to sale at Pontotoc, Mississippi, containing in all about 26,961 acres. His application to enter these lands was made at different times and received by the register. The price at which each tract of land was entered, your defendant is unable at this time to state; it can only be ascertained by the records of the land office; but this your defendant well knows, that by far the larger number of the tracts were entered at twelve and one-half cents per acre; and your defendant was informed and verily believes, that a large number of the tracts thus entered at twelve and a half cents per acre had been liable and subject to entry at that price for some time previous to his entry, and that no person whatsoever had made application to enter the same. The money was paid to the re-

ceiver of public moneys at Pontotoc, and his certificates of purchase received by your defendant. Afterwards these certificates were surrendered in pursuance of the requirements of the General Land Office at Washington, and letters patent were received by your defendant for the above named lands, and he has been in the possession of the same from the date of the entry up to this time.

In answer to the interrogatories propounded by your complainant—first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth—your defendant is unable to give any other answer; that he is informed and believes, that the President of the United States was charged with the execution of the treaty, and the sale of the lands was conducted under instructions from the President. He is further informed and believes, that the land office was closed as to a large number of sections in the land district subject to sale at Pontotoc, for reasons which were satisfactory to the President of the United States; all of which will more fully and satisfactorily appear by an examination of the public records, which your defendant desires to refer to as a part of this answer. As to interrogatories eleven, twelve, and thirteen, your defendant replies, and on oath says, that he knew nothing of the application of the complainant, he had heard nothing of it, nor was he informed of the same by any one whatever, nor could he have believed that any one could have offered twelve and a half cents per acre for land which remained for some time subject and liable to entry at that price and been refused; all the lands entered by your defendant have been paid for, and the patents for the same have been issued by the President, and he has long been in the quiet and undisturbed possession of the same. If complainant has been damnified, it has arisen from his own neglect in not following up his rights, or it has arisen from the officers of the Government. Your defendant has not interfered with his rights, and feels that the cloud of doubt thrown upon his titles by pretended claims has done him an injury which justly entitles your defendant to damages. Your defendant therefore prays he may be relieved without further detention, with the recovery of the costs he has incurred in this behalf.

(Signed) J. P. JONES.

THE STATE OF MISSISSIPPI, *Lafayette county.*

Personally came before me, John B. Stockard, judge of the probate court of said county, John P. Jones, whose name is subscribed to the above answer as defendant, who, after being duly sworn, says, on oath, that what is contained in the above answer as of his own knowledge is true, and that what is stated for the acts and deeds of other persons he believes to be true.

JNO. P. JONES.

Sworn to before me, this 6th day of September, 1851.

JOHN B. STOCKARD,
Judge of probates.

The replication of the said Hiram Carver, complainant, to the answer of John P. Jones, defendant.

This repliant, saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereto saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto; and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any matter or thing whatsoever in the said answer contained, material or effectual in law to be replied unto, confessed, and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he has already prayed.

COCKE & BLANTON,
Solicitors for complainant.

The answer of Jacob Thompson to the original bill of complainant, filed the 11th day of September, 1851, is in the words and figures following, to wit:

To the judge of the district court of the United States, for the northern district of Mississippi.

The answer of Jacob Thompson, a citizen of Lafayette county, Mississippi, one of the defendants to the bill of complaint of Hiram Carver, of Marion county, and a citizen of the State of Alabama.

Your defendant, saving to himself all advantage which may be taken by exception to the bill of complaint, and claiming and reserving the right of taking advantage by exception of all errors, uncertainties, insufficiencies, and imperfections in the bill contained, says, in answer to the special matters charged in said bill, upon oath, that some time in the summer of 1845 he applied to the register of the land office at Pontotoc, in the name of Jacob Thompson and Thomas L. Jones, now deceased, to enter the following lands, viz., east half and southwest fractional quarter of fractional section eleven, in township six, range twelve west; west half and southeast quarter of section twelve, in township six, of range twelve west; all lying in the district of lands subject to sale at Pontotoc, Mississippi, containing in all about 909 acres of land. His application was received by the register, and the said register informed him that the said lands were liable to entry at twenty-five cents per acre; nor was he informed at that time, or at any time previous, that there was any conflicting application to enter said lands, nor did he, your defendant, believe at that time, nor does he yet believe that the complainant ever applied to enter said lands while the said lands were, according to the provisions of the Chickasaw treaty, open and subject to entry. Afterwards, and on the same day, your defendant paid to the receiver of public moneys at the land office at Pontotoc the purchase money, and received his certificate therefor. Afterwards, to wit, on the 31st day of March, 1846, upon a surrender

of the certificates of the receiver to the Commissioner of the General Land Office at Washington, the then President of the United States, James Knox Polk, issued in favor of your defendant and Thomas L. Jones, deceased, his letters patent for said lands, and your defendant has been in the undisturbed possession of the same from that date up to the present time.

In answer to the interrogatories propounded by your complainant, the most of them could only be answered by an examination of the public records of the land office, and they are not kept by your defendant; he therefore neither controverts nor admits them to be true, as stated in complainant's bill. Of this character are interrogatories one, two, three, four, five, six; as to the seventh interrogatory, I do not believe, that during the fourth year *that* the lands entered by your defendant and Thomas L. Jones, deceased, remained subject and liable to sale and entry at twenty-five cents per acre.

As to the 8th, 9th, 10th, 11th, and 12th, and 13th interrogatories, your defendant has the same answer to make, and that is, that he knows, has heard, or believes nothing of his, the complainant's, application for said lands; that the fraud is on the part of the complainant in claiming what he has never paid for, in claiming damages of those who have not injured him, in throwing a doubt or cloud upon titles to land which are perfect. If complainant be damnified, his complaint is against the President of the United States, who was required by the treaty to see that the treaty and the laws were faithfully executed. Your defendant alleges that he is the injured party by those frivolous complaints of the complainant, disturbing him in the quiet enjoyment of the possession of that for which he has lawfully paid value received; and that he has never been informed, nor does he believe, that he, the complainant, ever had or is justly entitled to any right, title, claim, or pretence of a claim to the lands now owned and possessed by him; and he prays your honor that he may go hence with the costs in this behalf incurred.

(Signed) J. THOMPSON.

THE STATE OF MISSISSIPPI, *Lafayette county.*

Personally came before me, John P. Stockard, judge of the probate court of said , Jacob Thompson, whose name is subscribed to the above answer, who, after being duly sworn, says, on oath, that the facts as set forth in said answer as of his own knowledge are true, and those received from the acts and deeds of others he believes to be true.

J. THOMPSON.

Sworn to and subscribed before me, this 6th day of September, 1851.

JOHN P. STOCKARD,
Judge of probates.

The replication of the said Hiram Carver, complainant, to the answer of Jacob Thompson.

This repliant, reserving to himself all and all manner of exception to the manifest insufficiencies of said answer, saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto; and that the said answer of the said defendant is uncertain, untrue, and insufficient to be replied unto by the repliant; without this, that any matter or thing whatsoever in the said answer contained, material or effectual in law to be replied unto, confessed, and avoided, traversed or denied, is true. All of which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he has already prayed.

COCKE & BLANTON,
Solicitors for complainant.

The answer of William H. Duke to the original bill of complaint, filed the 1st day of October, 1851, is in the words and figures following, to wit:

United States of America, district federal court, northern district of Mississippi, Pontotoc.

The separate answer of William H. Duke, a citizen of said northern district of Mississippi, to the bill of complaint filed against him and others, in this honorable court, by Hiram Carver, a citizen of Marion county, State of Alabama.

This respondent, saving and reserving all right of exception to the many irregularities, imperfections, &c., in said bill contained, for answer thereto, or so much as he is advised it is material for him to answer unto, answers and says, that it is true that treaties were made with the Chickasaw Indians by the General Government of the United States, but respondent does not deem it necessary or proper for him to set out the contents of said treaty or put a construction upon the same. Respondent admits, that in the month of January, 1845, he entered, in the land office at Pontotoc, the northeast quarter of section ten, north half and southeast quarter of section fifteen, all of township sixteen, range four east, and the southeast of section one, township ten, range six west, on the 18th day of May, 1848, which he entered at twelve and a half cents per acre; and from that period on, he continued to enter a number of tracts, which is not contained in exhibit A to the original bill of complaint. Respondent states that he paid the gold and silver for all said lands, in the proper land office at Pontotoc, at the date of making said entries; all of which said entries were made in or after said month of January, 1845, and that respondent does not owe one cent for said lands. This is his, respondent's, answer to the 13th special interrogatory in complainant's bill. Respondent states that he did not make any entries of land in the land office at Pontotoc,

from the year 1838 until 1845, so far as respondent recollects. Respondent states, that he was permitted to enter the lands mentioned above, by the proper officer of the land office. Respondent claims the land not marked conveyed as his own. Respondent denies, that at the time of entering the land above mentioned he had any notice whatever, either directly or indirectly, that complainant had ever offered to enter said land, or had tendered the money therefor to the receiver of the land office at Pontotoc, as stated in his bill, and requires strict proof of the allegations contained in said bill, in this behalf. Respondent further states, that he had heard it reported in Pontotoc, that he, the complainant, did apply at the land office in Pontotoc to enter a large lot of land, but he did not understand any particular number. This is the answer of respondent to the 11th and 12th interrogatories, appended to the bill of complaint. Respondent answering, states further, that he is advised that in consequence of some difficulties about the claim of reservations for some land, that they did not graduate to twelve and a half cents per acre, by the 20th of January, 1845; but of this, defendant does not know anything of his own knowledge, but should he discover anything on this point before the hearing of this case, he is willing to disclose the same; and defendant does not know anything about complainant offering to enter said lands above mentioned, on the 20th January, 1843, or of his tender of the money for the same, as stated in interrogatories 8 and 9, appended to the bill of complaint; nor does he know anything further of the truth of the claimants in said interrogatories, but calls for strict proof. As to the statements made in interrogatories 1, 2, 3, 4, 5, 6 and 7, appended to the bill of complaint, and this respondent not having before him the records of the land office, (accessible to complainant,) and they referring to matters which respondent believes are of record in said land office, he refers to said records for an answer, and in fact he is compelled so to do, as he has but little real knowledge of the truth or falsehood of the statements contained in said interrogatories. This defendant further states that he was a bona fide purchaser of the lands mentioned above; that he had no knowledge of complainant's claim; that he fully paid for said lands; that he has the patents from the Government of the United States, and that if complainant has any remedy for his alleged wrongs, it is not against this respondent, but against the officers who filled the land office at Pontotoc in January, 1843. Defendant has, or can have at the hearing of this cause, the patent for all the lands mentioned above, if the same is required by complainant. Defendant further states, that from the year 1838 until the year 1845, he was not familiar with the business doing at Pontotoc; that he does not now recollect that he made any entries of land during that period, and that, consequently, he could not have known much about what was doing there. Respondent further states, that when he applied, in 1845, to enter lands, he procured from the register of the land office at Pontotoc a list of the townships, ranges and sections which graduated at different graduating days, to enter lands, as the price would fall from 25 to 12½

cents per acre; that on these occasions there was frequent competition, and tracts of land were frequently run up to a price beyond 12½ cents per acre, and respondent, in fact, paid more for the lands mentioned above than complainant alleges he tendered for them, as will appear by reference to said exhibit. Defendant further states, that he has heard and believes, and so charges the fact to be, that the lands mentioned above had been withheld from private sale or entry for several years, in consequence of a number of locations of Indian reservations being tendered over them, which withdrew them from market during the pending of said claims, which were finally rejected at Washington city by the proper department, then, as fraudulent and void; and that, as defendant is advised, said lands mentioned above did not graduate until after the 20th January, 1843, to 12½ cents per acre. Defendant denies that he is assignee of any lands claimed in exhibit A of complainant's bill, as far as he now knows, but states that he entered the lands mentioned above. Respondent is advised by counsel, that complainant has not made by his bill of complaint a case which entitles him to any relief in a court of chancery, and he therefore demurs to said bill, and prays to be allowed all the advantages of his said demurrer, in as full and ample manner as though he had specially and separately demurred to the same. Defendant denies all fraud charged directly, or by implication, in the bill of complaint.

Defendant having fully answered, prays to be hence discharged, with his costs in this behalf expended.

THE STATE OF MISSISSIPPI,
Pontotoc county.

Before me, Randolph Mitchell, an acting justice of the peace in and for said county, personally appeared William H. Duke, and makes oath that the facts set forth in the foregoing answer, as of his own knowledge, are true, and those stated upon the information of others he believes.

WILLIAM H. DUKE.

Sworn to and subscribed before me, this 1st day of October, A. D. 1851.

R. MITCHELL, [SEAL.]
Justice of the peace.

The replication of Hiram Carver, complainant, to the answer of William H. Duke, defendant.

This repliant, saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the said answer, for replication thereunto saith, that he will aver and prove his said bill to be true, certain and sufficient in law to be answered unto; and that said answer of the said defendant is uncertain, untrue and insufficient to be replied unto by this repliant; without this, that any matter or thing whatsoever in the said answer contained, material or

effectual in law to be replied unto, confessed and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as *is* in and by his said bill he hath already prayed.

COCKE & BLANTON,
Sol's for compl.

The joint answer of Thomas N. Niles and Eli Ayres to the bill of complaint of Hiram Carver, filed the 1st day of December, 1851, is in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Northern district of Mississippi.

The joint answer of Thomas N. Niles and Eli Ayres, citizens of said northern district, to the bill of complaint of Hiram Carver, a citizen of the State of Alabama, filed on the equity side of the district court of the United States for said northern district, against these defendants, and James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford and others.

These defendants, saving and reserving to themselves, now and at all times hereafter, the benefit and right of exception to said bill, for answer to such parts thereof as they are advised it is material to make answer to, say:

They admit that treaties were made between the United States Government and the Chickasaw tribe of Indians, as charged in said bill, and that the dates and stipulations thereof may be therein correctly stated and set forth; but, for greater certainty, respondent requires their production.

Respondents deny that all the lands ceded by said treaties to the United States had been fully surveyed, and surveys reported to the land office at Pontotoc, at the time indicated in said bill. A portion of said territory, embracing part of the lands set forth in complainant's "exhibit A," had been surveyed, and surveys completed at the times charged, but respondents believe that the surveys of other parts had not been completed at said times. What portion of said land was thus completely surveyed, and what portion was not, respondents are not able to specify. Of the lands which had been completely surveyed, (including parts of townships and ranges set forth on pages 9 and 10 of said bill,) it is admitted that all were, by the President of the United States, proclaimed for sale about or within the periods named in said bill, excluding from sale in said proclamations such of said lands as may have been selected as reservations under the provisions of said treaties. But respondents deny that all of said lands were actually offered for sale at the times named. A portion of said surveyed lands had, at and previous to said periods, been reserved from sale and regularly and duly located to Chickasaw Indian reservees, under the provision of said treaties; and another portion had been duly advertised and offered, as charged in said bill, of which a part remained unsold,

as respondents believe, on 20th January, 1843, as charged; but the remaining part of said offered lands had, previously to said last date, been regularly and duly located to Chickasaw Indian reservees, under said treaties, after they were so offered and while they remained unsold, and were thenceforward reserved from sale until a period subsequent to said 20th January, 1843, as will be hereinafter shown. Respondents are ignorant of the amounts of the respective portions of lands here alluded to, and of the dates involved, any further than is shown in and by "exhibit No. 1 and 2," which is herewith filed as part hereof, and to which reference is here made.

Respondents admit, that on the 20th January, 1843, such parts of said land were subject to entry and sale at the land office at Pontotoc, as had not been previously sold or located to Indian reservees, as above stated; and believes, but does not of his own knowledge know, that some of them may by that time have been graduated down to the price of 12½ cents per acre, and were liable and subject to entry and sale at that price; but they expressly deny that any of said lands, which had been heretofore located and reserved as aforesaid, whether before or after having been unsuccessfully offered for sale, were then subject legally to entry at any price. And this denial includes all of said lands which hereinafter these respondents claim to have interest in or title to. Said last mentioned reservations and locations were, as respondents are informed, afterwards, viz., in spring of 1843 or thereabouts, illegally condemned and attempted to be set aside by the Commissioner of the General Land Office at Washington city, and thereafter, in the year 1844, they were caused, by the illegal and unauthorized order of said commissioner, to be offered and held liable to sale by entry as other public lands of the United States at the land office at Pontotoc, at the graduating prices specified in the 11th article of the aforesaid treaty of 24th May, 1834.

Respondents do not know of their own knowledge that complainant, on or about 20th January, 1843, or at any other time, duly and formally applied at the offices of the register and receiver in the land office at Pontotoc, to enter and pay for the lands set forth in his "exhibit A" at 12½ cents per acre, and call for the proof of that fact. Respondents, however, have had vague and unreliable information that some such offer was made to said register, at or about the time named, and afterwards, on or near same day, a pretended tender to pay a large amount of money to said receiver, but that said offer and pretended tender were irregular, informal, and not made in conformity to the requirement of the act of Congress of April 24th, 1820, in such cases made and provided, and that no tender of money was actually made and in good faith. And respondents expressly deny that the lands mentioned in said "exhibit A" were then liable by law to entry at 12½ cents per acre, or at any other price, except as is hereinbefore stated and excepted. Respondents believe it to be true, and so admit the fact, that after said 20th January, 1843, and after, as they here state, said lands which had previously been reserved from sale and located to Indian

reservees under said treaties as aforesaid had been illegally caused as aforesaid by the Commissioner of the General Land Office at Washington city to be offered and held subject to entry and sale at the land office at Pontotoc, their co-defendants, named in said bill, entered the same at said last-mentioned land office at the times stated in said bill; but respondents deny that complainant, by virtue of his aforesaid alleged offer to enter the same on the 20th January, 1843, acquired any rights to be prejudiced by said entries. Respondent Thomas N. Niles entered and paid out at said land office the five sections of land charged in the bill to have been entered by him, and disposed of the same as is therein stated to the persons named. He also sold section 26, T. 6, R. 11, of said lands to the firm of Bolton, Ogden & Co., of Liverpool, England. Sections 13 and 24 yet remain on hand unsold. Patents were granted by the President of the United States to all of said lands to said Niles. The patents to those lands sold were delivered by him to the purchaser, and those to sections 13 and 24 he yet holds, and will produce on trial if necessary. Respondent Niles expressly denies, that at the time of entering said lands he had any notice that complainant set up any claim thereto.

Respondents Niles and Ayres also claim title jointly to all of the lands set forth in complainant's "exhibit A," which are included in their own aforesaid exhibits Nos. 1 and 2, to which last named exhibits they here make reference for a specification thereof. And respondents deny, that at the time they acquired their title to and interest in said lands (as shown below) they had notice of any adverse claim thereto by complainant, or that he had any lawful claim to it. The manner in which respondents acquired their title to said lands is as follows, viz: At the various respective times indicated in said exhibits Nos. 1 and 2, and long anterior to 20th January, 1843, and anterior to the entry of any of them by any of the co-defendants of respondents, said lands were, in strict compliance with the provisions of aforesaid treaties, duly and legally reserved from sale and located to the respective Chickasaw Indian reservees designated in said exhibits Nos. 1 and 2, and were by said Indians respectively, for valuable and adequate consideration paid to them, legally, duly, and regularly sold and conveyed to respondents at the dates of said sales indicated in said last named exhibits. Some of said lands were conveyed by the respective Indians to respondent Niles and some to respondent Ayres, while others were conveyed to Robert M. Niles, now deceased; but all said purchases were on joint account of both respondents in equal interest. Respondents have in their possession the written receipts of each of said Indian reservees for the consideration paid to them respectively for said locations. They have also the official certificates of Andrew J. Edmondson, at the time register of the land office at Pontotoc, of the reservation and location of said lands to said Indians respectively; and they have likewise the deeds of said Indians respectively conveying said lands to said respondents, upon all of which deeds are written the certificates of two of the seven chiefs designated for that purpose in

the 4th article of said treaty of 24th May, 1834, that the particular Indian owning the land was capable to manage and take care of his or her affairs; and upon many of which is also written the certificate of the Indian agent of the same fact certified to by said two chiefs; and also that a fair consideration had been paid to said Indian reservees, while others of said deeds are without said certificates of said agent. All said deeds are without the approval of the President of the United States, or his approving agent, as provided in said 4th article of said treaty. But respondents state, that as to all of said deeds which contained the said certificates of the two chiefs and of the said agent, application was made by the respondents to the Commissioner of Indian Affairs at Washington city, to have said deeds passed to the President of the United States, and recommended for his approval under said 4th article, (as is the customary mode of proceeding to obtain such approval,) which was by said commissioner refused. And respondents are advised, that said reservation and location of said lands, purchases from, and conveyances by, said Indian reservees, certificates thereon, and proceedings under them, fully invested respondents with the equitable title to said lands, even if, in the opinion of this honorable court, they did not thereby acquire the legal title thereto. All of which will more fully and at large appear in and by the aforesaid certificates of reservation and location, receipts, conveyances from said Indian reservees, and certificates thereon, reference being thereunto had. And respondents file herewith, and as part hereof, exhibit No. 4, containing copies of said certificates of said Andrew J. Edmondson, register, &c., as aforesaid, of the location and reservation of said lands, and containing a tabular statement in brief of the contents of said receipts, deeds, and certificates thereon. Said reservations and locations are included among those which are hereinbefore stated to have been illegally and without authority condemned and attempted to be set aside by the Commissioner of the General Land Office at Washington city, in the spring of 1843, and by him afterwards illegally and without authority caused to be exposed and held liable and subject to sale by entry in the land office at Pontotoc, and were thereafter illegally entered in said land office by the co-defendants of respondents, as hereinbefore stated, as is indicated upon respondents' exhibits Nos. 1 and 2, and complainant's exhibit A; they having had due and timely notice of said reservations and locations before their said entries. Which unauthorized procedure of said Commissioner of the General Land Office at Washington city is void, as respondents are advised, and cannot in any wise affect injuriously the titles of said Indian reservees, or those claiming under them, acquired as aforesaid under and by virtue of the provisions of said treaties.

In answer to the specific interrogatories appended to the foot of said bill, respondents say, as follows, viz:

To the interrogatory first they answer, that as is stated in the first part of this answer, parts of the lands inquired of in this interrogatory had been completely surveyed, as charged in the bill, but respondents

deny that the whole of said lands had, at the times referred to, been fully surveyed, and surveys reported to the land office. What portions had been so surveyed and what portions were not completely surveyed, respondents are not able to say. Of the lands which had been completely surveyed, (including portions of the townships and ranges referred to in this interrogatory,) it is admitted, that all were by the President of the United States proclaimed for sale; excluding from sale, however, in the proclamation such of said lands as may have been selected as reservations under the provisions of said treaties. But respondents deny that all of said lands were actually offered for sale at the times referred to in this interrogatory. A portion of said surveyed lands had, at and previous to said periods, been reserved from sale and regularly located to Indian reservees under the provisions of said treaties, and another portion had been advertised and offered for sale as charged, of which respondents believe and admit that a part remained unsold on the 20th January, 1843, as is charged, but the remaining part of said offered lands were, after they had been so offered, regularly and duly reserved from sale and located to Chickasaw Indian reservees under said treaties, while they remained unsold, (as is before stated in this answer,) and were thenceforward not permitted to be entered in said land office until a period long subsequent to said 20th January, 1843, and subsequent to the dates mentioned on pages 9 and 10 of said bill, which period is mentioned in the reply to interrogatory 10th below.

2. To interrogatory second respondents reply, by referring to their answer above to the first interrogatory, which contains their answer to this one as specifically as they are able to make it. Some of the said lands, at the dates referred to in this interrogatory, were not reserved and located, and were then subject to entry as respondents believe, but cannot designate the quantity or numbers or price; and some had at that time been reserved and located to Chickasaw Indian reservees under said treaties, but respondents are equally unable to specify the amount of such also.

3. To interrogatory third respondents reply, that as to those lands which were offered for sale as here inquired of, they believe, but do not know that due notice ofsale was given as charged, but as to what portion of said lands so offered, as before stated, unable to say. And for answer to the remaining part of this interrogatory and to 4th, 5th, 6th, and 7th interrogatories, they refer to their answer below to the 8th interrogatory of complainant.

8. In reply to 8th interrogatory respondents say, as is stated in their answer above to interrogatory first, some only of the lands here referred to were, at the times indicated in the tabular statement on pages 9 and 10 of the bill, after due and legal notice, offered for sale at the minimum price of $\$1\frac{25}{100}$ per acre; that they then remained unsold and subject to entry at that price for twelve months, and were then subject to sale by entry at the minimum price of one dollar per acre, and soon successively through the graduating scale provided in and by the 11th article of the

said treaty of 24th May, 1834, until by 20th January, 1843, they had then become subject to entry at 12½ cents per acre, as respondents believe, but do not of their own knowledge know. But what portion of said lands were thus legally subject to entry at that time and at that price, respondents cannot specify. To the remainder of said 8th interrogatory respondents reply, that they do not of their own knowledge know that complainant, on 20th January, 1843, or at any other time, applied duly at the office of the register of the land office at Pontotoc, and offered to enter the lands referred to in said interrogatory. As before stated, respondents have received vague information that some such application and offer were made at that time to said register, but they have at the same time heard that said offer was not duly or legally made, and in conformity to the requirements of the act of Congress of April 24th, 1820, in such cases made and provided; and that complainant included in said offer some lands which were subject to entry with many which were not, and declined to enter any unless permitted to enter all, which the register rightly refused, but did not refuse to allow him to enter any which were then subject to entry at their appropriate price.

9. To 9th interrogatory they reply, that they do not know of their own knowledge whether or not complainant, at the time here named or at any other time, tendered to John F. Wray, receiver of public moneys at the land office at Pontotoc, the money mentioned in the interrogatory. Respondents at one time heard a rumor of the tender referred to having been pretended to be made after the offer to enter the lands as alleged, but that such tender was not made in good faith and in the lawful currency of the United States, but that a quantity of nails concealed in a pair of saddle-bags were fraudulently tendered as coin. Respondents have no other knowledge or information than this of the matter referred to.

10. To 10th interrogatory respondents reply, that those of the lands referred to, which had been reserved from sale and located as stated in their foregoing answer to first interrogatory, remained so reserved and located in the undisturbed proprietorship of the Indian reservees or their vendees until long after the pretended offer and tender of complainant on 20th January, 1843, as herein before stated, viz., till some time in the spring of 1843; at which time, as respondents are informed and believe, the Commissioner of the General Land Office at Washington city, illegally and without authority, and in contravention of the provisions of aforesaid treaties between United States and the Chickasaw Indians, condemned said reservations and locations, and attempted to set them aside, and thereafter caused the said office at Pontotoc to be again opened for the sale by entry of said lands so previously reserved from sale and located. After which time, as respondents believe, their co-defendants referred to in this interrogatory, at the times designated in complainant's "exhibit A," entered said lands at said land office, (which are the same lands referred to in this interrogatory,) or entered the same at some other times subsequent to such illegal condemnation

of said reservations and locations. But respondents do not know what parts of said lands were so entered, except as is shown upon their "exhibits Nos. 1 and 2" of their answer, to which reference is here made for that purpose. Respondent Niles himself entered the five sections of land charged as entered by him, and sold part of them to the individuals designated in the bill, and sold section 26 of said five sections to Bolton, Ogden & Co., of Liverpool, England, who now own the same. Sections 13 and 24 are still his own.

11. To 11th interrogatory they reply, that they are not aware whether or not their co-defendants, at the time they entered the lands entered by them, had notice of complainant having previously offered to enter the same, as alleged, on 20th January, 1843. Respondent Niles denies that he had any such notice at the time of the aforesaid entries made by himself.

12. To 12th interrogatory respondents reply, that they do not know whether or not their co-defendants had notice, as inquired, at the times named, but respondent Niles denies that he had, as denied in his last answer above. They do not know whether or not they still retain the interest first acquired by them under their entries of said lands, but believe that some of them do. As to the interest retained by respondent Niles in the five sections entered by him, he refers to his answer on that head to 9th interrogatory above.

13. Of the matters inquired of in 13th interrogatory, respondents know nothing, and have no information upon which to found a belief.

And now having fully answered said bill and interrogatories, respondents pray to be hence dismissed with their costs, &c.

ADAMS & HOUSTON,
GOODWIN & SALE,
Solicitors for respondents.

UNITED STATES OF AMERICA,
Northern district of Mississippi.

District court of United States.—December term, 1851.

This day, in open court, before me, Robert W. Edmondson, clerk of said court, personally appeared the above named Thomas N. Niles and Eli Ayres, who made oath in due form of law that the facts stated in the foregoing answer, as of their own knowledge, are true, and that those stated upon information of others they believe to be true.

THOS. N. NILES,
ELI AYRES.

Sworn to and subscribed before me, in open court, this 1st day of December, A. D. 1851.

R. W. EDMONDSON, *Clerk.*

said treaty of 24th May, 1834, until by 20th January, 1843, they had then become subject to entry at 12½ cents per acre, as respondents believe, but do not of their own knowledge know. But what portion of said lands were thus legally subject to entry at that time and at that price, respondents cannot specify. To the remainder of said 8th interrogatory respondents reply, that they do not of their own knowledge know that complainant, on 20th January, 1843, or at any other time, applied duly at the office of the register of the land office at Pontotoc, and offered to enter the lands referred to in said interrogatory. As before stated, respondents have received vague information that some such application and offer were made at that time to said register, but they have at the same time heard that said offer was not duly or legally made, and in conformity to the requirements of the act of Congress of April 24th, 1820, in such cases made and provided; and that complainant included in said offer some lands which were subject to entry with many which were not, and declined to enter any unless permitted to enter all, which the register rightly refused, but did not refuse to allow him to enter any which were then subject to entry at their appropriate price.

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10. To 10th interrogatory respondents reply, that those of the lands referred to, which had been reserved from sale and located as stated in their foregoing answer to first interrogatory, remained so reserved and located in the undisturbed proprietorship of the Indian reservees or their vendees until long after the pretended offer and tender of complainant on 20th January, 1843, as herein before stated, viz., till some time in the spring of 1843; at which time, as respondents are informed and believe, the Commissioner of the General Land Office at Washington city, illegally and without authority, and in contravention of the provisions of aforesaid treaties between United States and the Chickasaw Indians, condemned said reservations and locations, and attempted to set them aside, and thereafter caused the said office at Pontotoc to be again opened for the sale by entry of said lands so previously reserved from sale and located. After which time, as respondents believe, their co-defendants referred to in this interrogatory, at the times designated in complainant's "exhibit A," entered said lands at said land office, (which are the same lands referred to in this interrogatory,) or entered the same at some other times subsequent to such illegal condemnation

of said reservations and locations. But respondents do not know what parts of said lands were so entered, except as is shown upon their "exhibits Nos. 1 and 2" of their answer, to which reference is here made for that purpose. Respondent Niles himself entered the five sections of land charged as entered by him, and sold part of them to the individuals designated in the bill, and sold section 26 of said five sections to Bolton, Ogden & Co., of Liverpool, England, who now own the same. Sections 13 and 24 are still his own.

11. To 11th interrogatory they reply, that they are not aware whether or not their co-defendants, at the time they entered the lands entered by them, had notice of complainant having previously offered to enter the same, as alleged, on 20th January, 1843. Respondent Niles denies that he had any such notice at the time of the aforesaid entries made by himself.

12. To 12th interrogatory respondents reply, that they do not know whether or not their co-defendants had notice, as inquired, at the times named, but respondent Niles denies that he had, as denied in his last answer above. They do not know whether or not they still retain the interest first acquired by them under their entries of said lands, but believe that some of them do. As to the interest retained by respondent Niles in the five sections entered by him, he refers to his answer on that head to 9th interrogatory above.

13. Of the matters inquired of in 13th interrogatory, respondents know nothing, and have no information upon which to found a belief.

And now having fully answered said bill and interrogatories, respondents pray to be hence dismissed with their costs, &c.

ADAMS & HOUSTON,
GOODWIN & SALE,
Solicitors for respondents.

UNITED STATES OF AMERICA,
Northern district of Mississippi.

District court of United States.—December term, 1851.

This day, in open court, before me, Robert W. Edmondson, clerk of said court, personally appeared the above named Thomas N. Niles and Eli Ayres, who made oath in due form of law that the facts stated in the foregoing answer, as of their own knowledge, are true, and that those stated upon information of others they believe to be true.

THOS. N. NILES,
ELI AYRES.

Sworn to and subscribed before me, in open court, this 1st day of December, A. D. 1851.

R. W. EDMONDSON, *Clerk*.

HIRAM CARVER
vs.
JAMES BROWN et al. } 38.

The replication of the said Hiram Carver, complainant, to the answer of Thomas N. Niles and Eli Ayres, defendants.

This repliant, saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the *the* said answer, for replication thereto saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of the said defendants is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any matter or thing whatsoever in the said answer contained, material or effectual in law to be replied unto, confessed and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he hath already prayed.

COCKE & BLANTON,
Solicitors for complainant.

Exhibit No. 1 to answer of Thos. N. Niles and Eli Ayres, and exhibit F to the cross-bill of said Niles and Ayres, is in the words and figures following, to wit:

...LESALE.

...rders of Commissioner of General Land Office.

Date of resale by entry.	Purchaser by entry.	Fractional part of section.	Section.	Township.	Range.	E. or W.	Acres.	Price paid.	Amount.
...ig. 11, '47	G. M. Pow.....	N. E. qr.	24	10	7	W.	160	$0 25	$40 09
...ay 18, '47	H. N. Rayburn.....	N. W. "	"	"	"	"	160	"	40 02
...ay 18, '47	A. J. Walker.....	S. W. "	"	"	"	"	160	"	40 00
...ly 29, '44	J. Beard.....	S. E. "	"	"	"	"	160	1 25	200 08
...pril 22, '47	Henry Allen.....	N. E. "	25	"	"	"	159	50	79 84
...ay 18, '47	Andrew J. Walker..	N. W. "	"	"	"	"	159	25	39 92
...ay 18, '46	H. W. Middleton...	S. W. "	"	"	"	"	159	50	79 84
...pt. 16, '47	J. B. Waters.....	S. E. "	"	"	"	"	159	25	39 09
...ig. 25, '47	John Keith.....	N. E. "	26	"	"	"	160	25	40 04
...ay 18, '47	H. N. Rayburn.....	N. W. "	"	"	"	"	160	25	40 04
...ay 18, '46	H. W. Middleton...	S. W. "	"	"	"	"	160	50	80 08
...pt. 2, '47	J. B. Waters.....	S. E. "	"	"	"	"	160	25	40 04
...ar. 23, '47	A. Carter.....	N. E. "	21	"	"	"	160	50	80 05
...g. 11, '45	W. R. Cox.....	N. W. "	"	"	"	"	160	1 00	160 10
...c'ber, '47	J. G. Beard.....	S. W. "	"	"	"	"	160	25	40 03
...ay 18, '47	H. N. Rayburn.....	N. E. "	"	"	"	"	160	25	40 03
...br'ry, '47	J. Ward.....	N. E. "	22	"	"	"	160	50	80 01
...g. 6, '47	J. G. Beard.....	S. W. "	"	"	"	"	160	25	40 01
...g. 16, '47	Charles C. Glesson..	S. E. "	"	"	"	"	160	25	40 01
...ay 18, '47	H. N. Rayburn.....	N. E. "	23	"	"	"	160	"	40 01
...ay 18, '47	" "	S. W. "	"	"	"	"	160	"	40 01
...c. 10, '47	G. F. Morris.....	N. W. "	"	"	"	"	160	50	80 01
...ay 18, '47	J. B. Waters.....	S. E. "	"	"	"	"	160	25	40 01
...ay 18, '44	H. W. Middleton...	N. E. "	14	10	7	"	159	1 25	199 80
...ar. 10, '47	William Thresher...	N. W. "	"	"	"	"	159	50	79 92
...g. 12, '45	W. R. Cox.....	S. W. "	"	"	"	"	159	1 00	159 84
...ay 18, '46	H. W. Middleton...	S. E. "	"	"	"	"	159	50	79 92
...ay 18, '44	" " ...	N. E. "	15	"	"	"	159	1 25	199 95
...ov. 30, '46	" "	N. W. "	"	"	"	"	159	50	79 98
...ay 18, '46	" " ...	S. E. "	"	"	"	"	159	50	79 98
...gust, '44	Alfred Carter.....	S. W. "	"	"	"	"	159	1 25	199 95
...y 18, '45	Samuel Edwards....	N. E. "	5	11	7	E.	160	1 00	160 10
...y 27, '44	Israel S. Johnson....	N. W. "	"	"	"	"	160	1 25	200 13
...y 5, '46	James Caruthers....	S. W. "	"	"	"	"	160	1 25	200 13
...gust, '46	James Woodruff....	S. E. "	"	"	"	"	160	50	80 05
...y 27, '46	Henry Schumpert...	N. E. "	6	"	"	"	160	1 25	200 00
...y 15, '46	John Lolley.....	N. W. "	"	"	"	"	160	1 25	200 00
" "	James Caruthers....	S. W. "	"	"	"	"	160	1 25	200 00
" "	" "	S. E. "	"	"	"	"	160	2 55	408 00
" "	" "	N. E. "	7	11	7	"	159	2 04	326 15
" "	James M. Harris....	N. W. "	"	"	"	"	159	1 25	199 85
" "	Henry Shumput....	S. W. "	"	"	"	"	159	1 31	209 44
...ober, '44	W. G. Conwell.....	S. E. "	"	"	"	"	159	1 25	199 85

HIRAM CARVER
vs.
JAMES BROWN et al. } 38.

The replication of the said Hiram Carver, complainant, to the answer of Thomas N. Niles and Eli Ayres, defendants.

This repliant, saving and reserving to himself all and all manner of advantage of exception to the manifold insufficiencies of the *the* said answer, for replication thereto saith, that he will aver and prove his said bill to be true, certain, and sufficient in law to be answered unto, and that the said answer of the said defendants is uncertain, untrue, and insufficient to be replied unto by this repliant; without this, that any matter or thing whatsoever in the said answer contained, material or effectual in law to be replied unto, confessed and avoided, traversed or denied, is true. All which matters and things this repliant is and will be ready to aver and prove as this honorable court shall direct, and humbly prays as in and by his said bill he hath already prayed.

COCKE & BLANTON,
Solicitors for complainant.

Exhibit No. 1 to answer of Thos. N. Niles and Eli Ayres, and exhibit F to the cross-bill of said Niles and Ayres, is in the words and figures following, to wit:

EXHIBIT No. 4 and G.—Exhibit No. 4 to answer of Thomas N. Niles and Eli Ayres, and Exhibit G to cross-bill of said Niles and Ayres, in the words and figures following, to wit:

Transcript of deeds and receipts under the 6th article of the Chickasaw treaty of May 24th, 1834.

Roll No.	Grantor.	Grantee.	Entitled.	Section.	Township.	Range.	E. or W.	Consideration.	Date of deed.	By whom certified.	Date of receipt.	Amount.
									1839.		1839.	
598	Um-mo-mi-shah-t'by	Eli Ayres, trust....	1	33	10	7	W.	$800 00	May 10	Comm'r authorized thereto	May 12	$800 00
600	Shap-tim-ah.....	"	1	16	4	4	E.	800 00	June 22	" "	June 29	800 00
602	Pee-lee-cha.....	"	1	14	8	4	W.	800 00	May 6	" "	May 7	800 00
604	Gilbert.....	" trust....	1	16	7	5	"	800 00	June 17	" "	June 22	800 00
605	Pus-cen-chah	" "	1	7	4	5	"	800 00	"	" "	June 21	800 00
607	Westly.....	" "	1	16	2	10	E.	800 00	"	" "	"	800 00
608	Pah-shal-ka.....	" "	1	16	4	6	"	800 00	June 16	" "	June 20	800 00
610	Im-ma-ho-yea.....	" "	1	2	10	8	W.	800 00	"	" "	"	800 00
611	James Carnes.....	" "	1	16	11	1	"	800 00	"	" "	"	800 00
613	Ish-tah-pah-ka.....	" "	1	11	10	6	"	800 00	"	" "	"	800 00
614	Ahe-to-tah-tubby...	" "	1	16	2	6	E.	800 00	"	" "	"	800 00
616	Pis-ah-ho-ka.....	" "	1	20	25	7	"	800 00	"	" "	"	800 00
617	She-mah.....	" "	1	33	24	8	"	800 00	May 10	" "	May 12	800 00
619	Ar-tock-lah.....	" "	1	16	14	5	"	800 00	"	" "	"	800 00
620	Ho-yo-poh-nubby..	" "	1	16	9	5	"	800 00	"	" "	May 15	800 00
622	Con-chee-tah.....	" "	1	16	7	5	"	800 00	May 8	" "	May 10	800 00
623	Ah-pah-ho-ta	" "	1	16	5	4	"	800 00	"	" "	"	800 00
625	To-ho-yea.....	" "	1	16	3	4	"	800 00	May 7	" "	"	800 00
626	Bah-no-yea.....	" "	1	16	7	4	"	800 00	"	" "	"	800 00
628	Pah-ha-la-cha.....	" "	1 S.	7	10	6	"	400 00	"	" "	"	400 00
629	E-ah-ho-to-nah.....	" "	1 W.	8	10	6	"	400 00	"	" "	"	400 00

631	Yo-ka.....	" "	1	23	16	3	"	800 00	May 6	"	"	May 7	800 00
634	Phil-le-mah.....	"	1	6	10	8	W.	800 00	May 5	"	"	May 9	800 00
635	Pa-cha-na-lah.....	" lots 5, 6, 7, &8	1	1	1	5	"	800 00	May 4	"	"	May 8	800 00
637	Cun-in-tee-wah.....	"	E. ½	16	2	5	"	800 00	"	"	"	"	800 00
638	Chick-a-ma-no-wah.	"	1	7	4	11	"	800 00	June 24	"	"	June 30	800 00
640	Che-she-ka-ke-ty...	"	1	11	7	12	"	800 00	"	"	"	"	800 00
641	Im-mo-no-yea.....	"	1	10	7	12	"	800 00	"	"	"	"	800 00
643	Te-ah-lah-ma.....	"	1	22	7	12	"	800 00	"	"	"	"	800 00
644	Wah-tubby.....	"	1	9	7	12	"	800 00	June 23	"	"	June 29	800 00
646	Che-ho-yea.....	"	1	21	24	8	E.	800 00	"	"	"	"	800 00
647	Ish-ta-ka-cha.....	"	1	17	24	7	"	800 00	"	"	"	June 30	800 00
649	Ish-ta-ti-yea.....	"	1	17	4	11	W.	800 00	May 8	"	"	May 10	800 00
650	Oke-lah-in-tah.....	"	1	23	4	11	"	800 00	"	"	"	"	800 00
652	O-pah-ka-to-nah....	Eli Ayres, trust....	1	35	4	10	"	800 00	"	"	"	"	800 00
653	Torm-ly.....	" "	1	16	6	2	"	800 00	May 9	"	"	"	800 00
655	I-on-cen-ye-ah	" "	1	16	9	2	E.	800 00	"	"	"	May 11	800 00
659	We-tubby.....	Niles & Ayres.....	1	16	4	7	"	800 00	May 10	"	"	May 10	800 00
660	Shah-at-yah-cubby..	Eli Ayres.....	1	20	4	7	"	800 00	May 14	"	"	May 14	800 00
661	Ish-te-ka-te.....	Niles & Ayres.....	1	29	11	6	W.	800 00	May 20	"	"	June 2	800 00
662	To-wah-ka.....	" "	1	19	11	6	"	800 00	May 13	"	"	May 15	800 00
663	Che-ho-yea.....	Eli Ayres.....	1	21	10	6	"	800 00	June 6	"	"	June 6	800 00
664	Kim-pil-lah-to-mah..	"	1	26	4	9	"	800 00	May 12	"	"	May 12	800 00
665	Pon-ya-han-ya.....	"	1	16	3	6	"	800 00	June 6	"	"	June 6	800 00
666	Lucy.....	Niles & Ayres.....	1	16	13	3	E.	800 00	May 26	"	"	June 2	800 00
667	Po-ka.....	Eli Ayres.....	1	20	10	6	W.	800 00	June 4	"	"	June 4	800 00
668	E-yah-pon-tubby...	"	1	16	7	1	"	800 00	"	"	"	"	800 00
669	In-tubby.....	"	1	3	3	10	E.	800 00	June 11	"	"	June 11	800 00
670	Ah-much-ah-by....	"	1	16	8	5	"	800 00	June 17	"	"	June 17	800 00
671	Ish-to-tah-yea.....	"	1	15	2	9	W.	800 00	June 14	"	"	June 14	800 00
672	Po-shun-tubby.....	"	1	23	4	9	"	800 00	"	"	"	"	800 00
673	In-chah-lah.....	Niles & Ayres.....	1	16	5	6	"	800 00	May 25	"	"	May 27	800 00
674	Sol.....	Eli Ayres.....	1	16	4	6	"	800 00	June 18	"	"	June 18	800 00
675	Solomon.....	Thomas N. Niles...	1	32	4	9	"	800 00	.....	Agent and Commissioners		.....	800 00
676	Marfield.....	Niles & Ayres.....	1	16	4	3	E.	800 00	May 25	Commissioners.....		May 27	800 00
677	Mi-ka-che.....	Eli Ayres.....	1	11	9	6	W.	800 00	June 18	"	"	June 18	800 00
678	Yock-ah-tubby.....	Thomas N. Niles...	1	31	4	9	"	800 00	.....	Agent and Commissioners		.....	800 00
679	Ah-no-yah-tubby...	Eli Ayres.....	1	24	3	10	E.	800 00	June 16	"		June 16	800 00
680	Ho-yah-ti.....	Niles & Ayres.....	1	16	10	7	"	800 00	May 26	"		May 29	800 00
681	Pish-ah-ho-ka.....	" "	1	5	22	10	"	800 00	"	"		June 1	800 00

Transcript of deeds and receipts—Continued.

Roll No.	Grantor.	Grantee.	Entitled.	Section.	Township.	Range.	E. or W.	Consideration.	Date of deed.	Certificate of competency by	Date of receipt.	Amount.
									1839.		1839.	
682	On-ah-ho-chy.....	Eli Ayres.....	1	24	9	5	W.	$800 00	June 9	Agent and commissioners.	June 9	$800 00
683	Ah-che-lah-tah.....	"	1	33	4	9	"	800 00	June 16	"	June 16	800 00
684	E-lah-fah-nah.....	"	1	36	4	9	"	800 00	June 20	"	June 20	800 00
685	Tim-in-pah-umby...	Niles & Ayres.....	1	31	14	1	E.	800 00	May 23	"	May 28	800 00
686	Tum-mul-lah-cha....	" "	1	16	3	3	"	800 00	"	"	May 30	800 00
687	Ah-ka-fah-la.....	" "	1	16	2	3	"	800 00	May 8	"	May 8	800 00
688	Pes-tim-ah-ho-nah...	" "	1	16	14	3	"	800 00	May 10	"	May 10	800 00
689	E-lah-pah-ho-ky	" "	1	32	14	1	W.	800 00	"	"	"	800 00
690	Tul-lah-wah-chy....	" "	1	23	9	5	"	800 00	"	"	"	800 00
691	Ul-lah-ho-ky.....	" "	1	16	5	7	E.	800 00	May 9	"	"	800 00
692	Hith-lah-to-chy.....	" "	1	30	4	11	W.	800 00	May 8	"	"	800 00
693	Ho-che.....	Ayres & Niles.....	1	35	4	9	"	800 00	May 6	"	May 6	800 00
694	Coon-sha-hoon-mak.	Niles & Ayres.....	1	33	14	1	E.	800 00	"	"	"	800 00
695	Ho-yah-to-yea.....	" "	1	4	22	10	"	800 00	May 4	"	May 4	800 00
696	Yo-nah.....	" "	1	16	9	6	W.	800 00	May 5	"	May 5	800 00
697	Yo-key.....	" "	1	26	4	11	"	800 00	"	"	"	800 00
698	Shah-lah.....	Eli Ayres.....	1	16	5	9	"	800 00	June 24	"	June 24	800 00
699	E-ne-ah-by.....	Niles & Ayres.....	1	3	22	10	E.	800 00	May 24	"	May 26	800 00
700	May-tubby.....	Eli Ayres.....	1	13	10	6	W.	800 00	June 15	"	June 15	800 00
701	E-lah-pin-tubby.....	Thomas N. Niles...	1	35	10	6	"	800 00	.....	"	.....	800 00
702	Pe-non-tah	Niles & Ayres.....	1	16	11	7	E.	800 00	May 24	"	May 27	800 00
703	Ho-she-ho-mah.....	Thomas N. Niles...	1	34	11	6	W.	800 00	.....	"	.....	800 00
704	In-chaf-fah-tubby ...	Eli Ayres.....	1	16	7	3	"	800 00	June 17	"	June 17	800 00
705	Che-wah.....	Niles & Ayres.....	1	25	10	6	"	800 00	May 14	"	May 16	800 00
706	Oke-pah.....	" "	1	16	13	4	E.	800 00	May 26	"	June 4	800 00
707	Me-shah-ho-nah	Thos. N. Niles.....	1	12	8	10	W.	800 00	"	"	.....	800 00

708	Han-nah.....	" "	1	13	8	10	"	800 00	.....	Agent and commissioner.	.....	800 00
709	Ho-yo-tin-ah	" "	1	11	8	10	"	800 00	.....	" "	.....	800 00
710	Mah-tah-cha	Niles & Ayres.....	1	14	8	10	"	800 00	May 27	" "	June 4	800 00
711	Ah-no-nah-chah.....	" "	1	16	4	9	"	800 00	"	" "	June 1	800 00
712	Samy.....	" "	1	16	6	1	"	800 00	"	" "	June 4	800 00
713	Benj. Allen.....	" "	1	16	9	1	"	800 00	May 28	" "	June 24	800 00
714	Peggy Carley.....	" "	1	16	7	7	E.	800 00	"	" "	June 25	800 00
715	Arta Carley	" "	1	16	8	7	"	800 00	"	" "	June 22	800 00
716	Robt. Hancock, jun.	" "	1	16	9	7	"	800 00	"	" "	June 20	800 00
717	Nat. Graham.....	" "	1	4	11	6	W.	800 00	May 29	" "	June 2	800 00
719	Ace Hancock.....	" "	1	14	4	9	"	800 00	"	" "	June 22	800 00
720	O-nah-ta-humly.....	" "	1	16	10	8	E.	800 00	June 2	" "	June 5	800 00
721	In-che-thlah	" "	1	17	21	11	"	800 00	June 4	" "	June 10	800 00
724	Ah-lo-mah	Eli Ayres.....	1	16	8	2	W.	800 00	June 23	" "	June 29	800 00
725	Wah-ka-ho-yea.....	Niles & Ayres.....	1	16	11	1	E.	800 00	June 11	" "	June 22	800 00
726	Wy-o-ka.....	" "	1	4	21	11	"	800 00	June 12	" "	June 16	800 00
727	Ah-sho-nah-la.....	" "	1	16	21	11	"	800 00	June 12	" "	June 21	800 00
728	Ah-lah-la-tubby.....	" "	1	5	23	8	"	800 00	June 21	" "	June 29	800 00
729	Ish-wah-tubby.....	" "	1	16	8	1	W.	800 00	May 29	" "	June 12	800 00
730	Pish-o-nah.....	Eli Ayres, trust.....	1	35	11	8	E.	800 00	May 10	" "	May 12	800 00
731	Ish-tim-ul-lah.....	"	1	16	8	8	"	800 00	May 9	" "	May 11	800 00
732	No-wah-no-nah.....	Niles & Ayres.....	1	16	8	1	"	800 00	May 29	" "	June 12	800 00
733	Ish-tim-mo-non-chy.	" "	1	8	4	12	W.	800 00	June 8	" "	June 8	800 00
734	Win-ni-yea.....	Eli Ayres.....	1	34	4	11	"	800 00	June 19	" "	June 19	800 00
735	Ho-yah-no.....	Niles & Ayres.....	1	3	21	11	E.	800 00	May 13	" "	May 13	800 00
736	Ah-for-mar-tim-ah...	Eli Ayres.....	1	4	4	11	W.	800 00	June 21	" "	June 21	800 00
737	Shack-o-yea.....	Niles & Ayres.....	1	6	8	10	"	800 00	May 26	" "	June 4	800 00
738	Ann Hancock.....	Eli Ayres.....	1	10	8	10	"	800 00	May 5	" "	.....	800 00
739	Mary McIntosh.....	"	1	32	3	4	"	800 00	"	" "	May 9	800 00
745	Ah-yem-min-ta	Niles & Ayres.....	1	9	21	11	E.	800 00	May 26	" "	June 4	800 00
747	Ho-yea.....	Eli Ayres.....	1	1	15	1	"	800 00	May 4	" "	May 8	800 00

Transcript of deeds and receipts—Continued.

Roll No.	Grantor.	Grantee.	Entitled.	Section.	Township.	Range.	E. or W.	Considerat'n.	Date of deed.	Certificate of competency by	Certificate of paym't by	Amount pd.
									1839.			
749	Ish-tah-tubby.....	Robt. M. Niles.....	1	25	4	9	W.	$800 00	May 28	Chiefs authorized thereto.	The ag't	$800 00
750	It-to-ho-mas-tubby ..	Eli Ayres.....	1	34	4	10	"	800 00	June 3	" "	"	800 00
751	Ish-tah-chubby.....	T. N. Niles, trust...	1	36	4	10	"	800 00	May 29	" "	"	800 00
752	O-kah-ho-yea.....	Eli Ayres.....	1	24	4	11	"	800 00	June 5	" "	"	800 00
753	I-ah-ki-yeah-ubby...	"	1	36	4	11	"	800 00	.....	" "	"	800 00
754	O-kah-pah-leo.....	"	1	9	4	11	"	800 00	June 6	" "	"	800 00
755	Par-sham-o-ubby....	W. Jaggar, trust....	1	22	6	12	"	800 00	May 21	" "	"	800 00
756	E-ar-ke-ubby	R. M. Niles	1	36	6	12	"	800 00	May 27	" "	"	800 00
757	O-shoe-te-ho-mah ...	T. N. Niles, trust....	1	8	7	12	"	800 00	May 30	" "	"	800 00
758	I-e-ki-ubby.....	Ely Ayres.....	1	25	7	12	"	800 00	June 7	" "	"	800 00
759	E-o-chee.....	Robt. M. Niles.....	1	36	9	9	"	800 00	May 30	" "	"	800 00
760	Pis-tim-by.....	T. N. Niles, trust...	1	9	9	9	"	800 00	May 14	" "	"	800 00
761	Oke-lish-tubby.....	Eli Ayres.....	1	12	4	12	"	800 00	.....	" "	"	800 00
762	Ar-chee-ubby.....	"	1	29	6	11	"	800 00	.....	" "	"	800 00
763	Shoon-pah.....	"	1	28	6	12	"	800 00	May 24	" "	"	800 00
764	Tus-ca-ar-ke.....	"	1	18	7	10	"	800 00	May 25	" "	"	800 00
765	To-mubby.....	T. N. Niles, trust...	1	28	7	11	"	800 00	May 15	" "	"	800 00
766	Kil-lun-to	Eli Ayres.....	1	7	7	11	"	800 00	.....	" "	"	800 00
767	Shew-ho-kee-tubby..	"	1	2	7	11	"	800 00	.....	" "	"	800 00
768	O-mah-chubby.....	"	1	24	3	10	"	800 00	May 29	" "	"	800 00
769	Loss-pish.....	"	1	23	3	10	"	800 00	May 30	" "	"	800 00
770	Pay-tubby.....	R. M. Niles.....	1	10	3	10	"	800 00	May 16	" "	"	800 00
771	Pe-fah-ma-tubby	T. N. Niles, trust....	1	33	3	11	"	800 00	May 17	" "	"	800 00
772	Ish-tel-lachee	Robt. M. Niles	1	28	5	11	"	800 00	May 18	" "	"	800 00
773	Mo-nah-tomby.....	Niles & Ayres.....	1	35	4	11	"	800 00	May 20	" "	"	800 00
774	Lah-pin-tah-umby...	Eli Ayres.....	1	7	6	11	"	800 00	.....	" "	"	800 00
775	Chah-can-mubby....	"	1	10	5	11	"	800 00	.....	" "	"	800 00
776	Bah-o-nah-tubby....	Ayres & Niles.....	1	23	5	11	"	800 00	May 22	" "	"	800 00

Roll No.	Grantor.	Grantee.	Entitled.	Section.	Township.	Range.	E. or W.	Considerat'n.	Date of deed.	Certificate of		Amount.
									1839.			
1307	Le-whi-hah.....	T. N. Niles, trust....	2	For location, see				$1600 00	May 13	Agent and commissioners.		$1600 00
1308	Tim-o-hoth-la.....	Eli Ayres.....	2	Exhibit No. 1 or				1600 00	May 28	" "		1600 00
1309	Mo-nah-Tubby.....	" "	2	F, same roll No.				1600 00	May 27	" "		1600 00
1310	Ho-to-sha.....	" "	2					1600 00	May 25	" "		1600 00
1311	Tus-she-ka-ar-ka.....	T. N. Niles, trust...	2					1600 00	May 14	" "		1600 00
1312	Stim-mo-ho-telly....	Eli Ayres.....	2					1600 00	May 24	" "		1600 00
1313	Te-fah-mah.....	" "	2					1600 00	.....	" "		1600 00
1314	I-o-na-Tubby.....	" "	3					1600 00	.....	" "		1600 00
1315	Mat-tah.....	" "	3					2400 00	May 21	" "		2400 00
1316	Tom.....	R. M. Niles.....	3					2400 00	May 15	" "		2400 00
1317	Pis-tol-lubby.....	" "	2					1600 00	.....	" "		1600 00
1318	Stim-mul-lut-te.....	Eli Ayres.....	2					1600 00	May 20	" "		1600 00
1319	Shu-let-kis	" "	2					1600 00	.....	" "		1600 00
1320	Took-a-loo-ars-tubby	Niles & Ayres.....	2					1600 00	May 17	" "		1600 00
1321	Ar-chee-ubby.....	Eli Ayres.....	2					1600 00	.....	" "		1600 00
1322	Oke-lish-Tubby.....	R. M. Niles.....	2					1600 00	May 18	" "		1600 00
1323	Stick-I-O-ka-tubby..	.....	2					1600 00	.....	" "		1600 00
1324	Ish-to-ni-ah.....	Eli Ayres.....	2					1600 00	May 16	" "		1600 00
1325	Shim-me-ne-yea.....	" "	2					1600 00	May 15	" "		1600 00
1326	O-ka-la-pomby.....	" "	2					1600 00	.....	" "		1600 00
1327	Ka-ta-Ward.....	R. M. Niles.....	2					1600 00	.....	" "		1600 00
1328	On-chee-Tubby.....	Eli Ayres.....	2					1600 00	May 13	" "		1600 00
1329	Ish-to-hoth-le.....	" "	2					1600 00	.....	" "		1600 00
1330	Kle-lah.....	" "	2					1600 00	June 7	" "		1600 00
1331	Fah-lah-mo-tubby...	" "	2					1600 00	June 6	" "		1600 00
1332	Stim-I-ho-pah-nah...	" "	2					1600 00	.....	" "		1600 00
1333	Is-tim-ah-ho-nah.....	R. M. Niles.....	2					1600 00	May 21	" "		1600 00
1334	Poe-con-o-la.....	" "	3					2400 00	May 22	" "		2400 00

1335	Poe-cam-ma.....	" "	3					2400 00	.....	"	"			2400 00
1336	Cun-na-chee-na	T. N. Niles, trust...	3					2400 00	May 23	"	"			2400 00
1337	Chick-a-mah-ho-ka..	Eli Ayres	3					2400 00	June 3	"	"			2400 00
1338	Sho-mubby.....	" "	2					1600 00	June 7	"	"			1600 00
1339	Ish-tup-ar-ka	R. M. Niles.....	2					1600 00	May 24	"	"			1600 00
1340	Hal-la-Tubby.....	Eli Ayres.....	2					1600 00	.....	"	"			1600 00
1341	Tus-car-no-ubby	" "	3					2400 00	June 6	"	"			2400 00
1342	Ah-le-nah.....	" "	3					2400 00	June 5	"	"			2400 00
1343	Cá-ma-ho-nah.....	T. N. Niles, trust...	2					1600 00	May 25	"	"			1600 00
1344	Mul-la-la-ho-yea	Eli Ayres	2					1600 00	June 4	"	"			1600 00
1345	O-quah-cun-na-ubby.	R. M. Niles, trust...	3					2400 00	May 28	"	"			2400 00
1346	Stim-mah-la-chea....	Eli Ayres.....	3					2400 00	.....	"	"			2400 00
1347	Stim-mul-he-chee....	Robert M. Niles....	2					1600 00	May 27	"	"			1600 00
1348	Un-chee-Tubby.....	T. N. Niles, trust...	2					1600 00	May 29	"	"			1600 00
1349	Tat-too-la-Tubby ...	R. M. Niles, " ...	3					2400 00	May 30	"	"			2400 00
1350	Ish-tup-po-kah.....	T. N. Niles, " ...	3					2400 00	May 31	"	"			2400 00
1351	Fell-lee-Tomby.....	Eli Ayres.....	3					2400 00	May 8	"	"			2400 00
1352	Took-a-loo-ars-tubby	" "	3					2400 00	.....	"	"			2400 00
1353	O-quah-lah-pemby ..	" "	2					1600 00	May 6	"	"			1600 00
1354	Stim-ah-ho-pah-nah .	T. N. Niles, trust...	3					2400 00	May 13	"	"			2400 00
1355	Chen-oo-chee.....	Eli Ayres.....	3					2400 00	May 6	"	"			2400 00
1356	Tah-lah-mer.....	" "	2					1600 00	May 4	"	"			1600 00
1357	Chuf-fah-tubby	" "	2					1600 00	May 3	"	"			1600 00
1358	Ho-to-shan-ubby....	Robt. M. Niles.....	2					2400 00	May 14	"	"			2400 00
1359	Tus-ca-ar-cowby....	" "	2					2000 00	May 15	"	"			2000 00
1360	Char-lar-ka.....	" "	3					3000 00	May 16	"	"			3000 00
1361	Shu-la-Tubby.....	T. N. Niles, trust...	2					1600 00	May 17	"	"			1600 00
1362	Fah-lah-mo-tubby...	Eli Ayres.....	3					2400 00	.....	"	"			2400 00
1363	Oke-char-le-himer...	R. M. Niles.....	2					1600 00	May 18	"	"			1600 00
1364	Tush-shu-ma-Tubby	" "	3					3000 00	May 20	"	"			3000 00
1365	Shoo-macher	Eli Ayres.....	2					1600 00	May 7	"	"			1600 00
1366	Mo-ho-lo-tubby.....	T. N. Niles, trust....	2					1600 00	May 21	"	"			1600 00
1367	Fo-la-chee.....	R. M. Niles.....	3					2400 00	May 22	"	"			2400 00
1368	Mot-al-a-chee.....	" "	2					1600 00	May 23	"	"			1600 00
1369	Che-lah.....	Eli Ayres.....	2					1600 00	May 6	"	"			1600 00
1370	Stim-ma-hoth-ly	T. N. Niles, trust...	2					3000 00	May 24	"	"			3000 00
1371	To-wah-kah.....	Eli Ayres.....	3					2400 00	May 6	"	"			2400 00
1372	E-lah-pin-tubby.....	" "	3					3000 00	May 4	"	"			3000 00
1373	Steake-ah-Tubby....	T. N. Niles, trust...	2					1600 00	May 25	"	"			1600 00

Transcript of deeds and receipts under the 5th article of the Chickasaw treaty of Washington, May 24, 1834.

Roll No.	Grantor.	Grantee.	Entitled.	Section.	Township.	Range.	E. or W.	Consideration.	Date of deed.	By whom certified.	Date of receipt.	Amount.
									1839.		1839.	
1256	Fe-yah-pa	Eli Ayres	3	For location, see exhibit No. 1 or F, same roll No.				$2400 00	May 13	Chief authorized thereto	May 15	$2400 00
1257	Coo-cha-tubby	Eli Ayres, trust	2					1600 00	May 29	" "	May 30	1600 00
1258	Oke-la-ma-he-nah	Eli Ayres, trust	3					2400 00	June 21	" "	June 22	2400 00
1260	Ish-tish-ka	Eli Ayres	2					1600 00	May 3	" "	May 3	1600 00
1264	Po-ni-yea	Eli Ayres, trust	2					1600 00	May 27	" "	May 28	1600 00
1266	Al-lah-wah-to-nah	Eli Ayres, trust	3					2400 00	June 8	" "	June 10	2400 00
1267	Ho-chubby	" "	2					1600 00	June 8	" "	June 10	1600 00
1269	Ka-lan-ta	" "	2					1600 00	June 5	" "	June 10	1600 00
1271	Pah-ka-ma-by	" "	2					1600 00	May 21	" "	May 24	1600 00
1273	Com-che-yea	" "	2					1600 00	May 20	" "	May 24	1600 00
1275	Wi-o-ka	" "	2					1600 00	May 5	" "	May 15	1600 00
1277	Wen-tubby	" "	2					1600 00	May 8	" "	May 13	1600 00
1279	Ah-no-lah-chubby	" "	2					1600 00	May 10	" "	May 17	1600 00
1281	Ho-ti-yea	" "	2					1600 00	May 7	" "	May 17	1600 00
1283	No-wah-ho-nah	" "	2					1600 00	May 10	" "	May 17	1600 00
1285	Ho-yan-nah	" "	2					1600 00	May 6	" "	May 12	1600 00
1287	Stim-mo-nen-chah	" "	2					1600 00	June 21	" "	June 22	1600 00
1289	E-to-ti-yea	" "	2					1600 00	June 22	" "	June 29	1600 00
1291	Kah-ne-ah-tubby	" "	2					1600 00	May 9	" "	May 16	1600 00
1293	Ul-quah-tubby	" "	2					1600 00	June 21	" "	June 22	1600 00
1295	Oke-chi-quah	" "	2					1600 00	June 28	" "	June 30	1600 00
1297	Fah-mah-tubby	" "	2					2400 00	June 5	" "	June 10	2400 00
1300	E-yah-nubby	" "	2					1600 00	May 9	" "	May 16	1600 00
1302	Tah-lun-ta	" "	2					1600 00	June 28	" "	June 30	1600 00

EXHIBIT No 4. and G.—*Reservations, &c.*—Continued.

Roll No.	Date of location.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.	
774	June 17, 1839..	Tah-pin-tah-umby.....	1	7	6	11	W.	D.
775	" " ..	Cha-can-mubby.....	1	10	5	11	"	
776	" " ..	Bah-o-nah-tubby.....	1	23	5	11	"	D.
777	Nov. 18, 1839..	Ar-le-thea.....	1	6	8	11	"	
778	" " ..	Te-mubby.....	1	29	3	10	"	
779	" " ..	Jim Fray.....	1	8	4	10	"	
780	" " ..	Ho-tish-sha.....	1	10	7	10	"	
781	" " ..	Fortase McClure.....	1	23	7	10	"	
782	" " ..	Eliza Collins.....	1	23	8	10	"	
783	" " ..	Gilbert Collins.....	1	36	8	10	"	
784	" " ..	Ah-to-no-wah-tubby, 23, 5, 11	1	15	6	11	"	
785	" " ..	Shah-wah-ho-nah, 15, 6, 11...	1	23	5	11	"	
786	" " ..	Han-nah.....	1	31	6	11	"	
787	" " ..	She-mi-yea.....	1	1	7	11	"	
788	" " ..	Ah-sho-mon-tubby.....	1	18	7	11	"	
789	" " ..	Is-tim-a-lut-ka.....	1	36	6	13	"	
790	" " ..	Un-che-tubby.....	1	16	9	2	"	
791	" " ..	Ish-to-pah-kah.....	1	15	12	2	"	
792	" " ..	Phil-la-tim-by.....	1	3	11	7	"	
793	" " ..	I-ah-ke-ubby.....	1	16	11	8	E.	
794	" " ..	Ish-to-ka-tee.....	1	16	9	4	"	
795	" " ..	Tan-in-ubby.....	1	10	21	11	"	
796	" " ..	Tam-by-ta-umby.....	1	22	14	5	"	
797	" " ..	Cah-chah-tubby, 28, 11, 8....	1	36	7	7	"	
798	" " ..	On-ah-ah, 36, 7, 7.....	1	28	11	8	"	
799	" " ..	Two-in-a-cher.....	1	17	4	9	W.	
800	" " ..	Hobert.....	1	18	6	9	"	
801	" " ..	Shah-te-reny.....	1	16	15	5	E.	
802	" " ..	Ho-yea-ah-ta.....	1	16	11	6	"	
721	Aug. 20, 1838..	In-che-thlah.....	1	17	21	11	E.	D.
722	" " ..	Che-ah-na-nah, (Hudson)....	1	16	"	"	"	
723	" " ..	Ulth-ka-tubby.....	1	15	"	"	"	
726	" " ..	Wy-o-ka.....	1	4	"	"	"	D.
727	" " ..	Ah-kah-nah-la.....	1	6	"	"	"	D.
735	" " ..	Ho-yah-no.....	1	3	21	11	E.	D.
745	" " ..	Ah-yah-minta.....	1	9	21	11	E.	

REGISTER'S OFFICE, *Pontotoc, Miss.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify, that the above and foregoing is a true copy of the roll numbers, reservees, and locations under the 6th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the lists of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and all of said lists that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal (there being no seal of office) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, *Register*. [SEAL.]

Exhibit No. 4 and G.

Reservations under the 6th article of the Chickasaw treaty of May 24, 1834.

Roll No.	Date of location.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.	
603	June 29, 1838...	Nancy	1	16	4	1	W.	
615	" "	Me-ah-sho-mubby	1	16	3	1	E.	
675	July 15, 1838...	Pah-can-no-la	1	1	1	5	W.	
636	July 29, 1838...	Cah-lun-to	1	16	2	4	"	
637	" "	Cun-in-tee-nah	1	E½ 16	2	5	"	D.
653	Dec. 4, 1838....	Tin-ly	1	16	6	2	"	"
739	" "	Nancy McIntosh	1	32	3	4	"	
746	Sept. 4, 1838....	El-ah-chook-wah-tubby	....	16	5	1	"	
619	June 29, 1838...	Ah-took-lah	1	16	14	5	E.	"
621	" "	Lah-po-to-mubby	1	16	15	3	"	
627	" "	Shah-lubby	1	14	23	9	"	
630	" "	Ah-me-tah-tubby	1	15	16	3	"	
631	" "	Yo-ka	1	23	16	3	"	"
666	" "	Lucy	1	16	13	3	"	"
681	" "	Pis-ah-ho-key	1	5	22	10	"	"
685	" "	Tun-up-ah-umby	1	31	14	1	"	"
688	" "	Pis-tim-eh-ho-nah	1	16	14	1	"	"
689	" "	E-lah-poh-ho-key	1	32	14	1	"	"
694	" "	E-mah-ly	1	3	22	10	"	"
706	" "	O-ke-pah	1	16	13	4	"	
699	" "	E-mah-ly	1	3	22	10	"	"
620	June 29, 1838...	Ho-yo-po-nubby	1	16	9	5	E.	"
655	Dec. 4, 1838....	Im-lun-nah	1	16	9	2	"	"
656	" "	Oh-lubby	1					
670	Oct. 13, 1838 ...	Ah-much-ah-ley	1	16	8	5	"	"
725	Aug. 20, 1838...	Wah-ka-ho-yea	1	16	11	1	"	"
732	Nov. 12, 1838...	No-wah-ho-nah	1	16	8	1	"	"
611	June 29, 1838...	James Carnes	1	16	11	1	E.	"
602	" "	Pee-lee-cha	1	14	8	4	W.	"
606	" "	Elisa	1	16	8	3	"	
658	Oct. 11, 1838....	Shut	1	3	8	2	"	
668	" "	O-yah-hon-tubby	1	16	7	1	"	"
682	" "	On-ah-po-chee	1	24	9	5	"	"
690	" "	Ful-lo-wa-cha	1	23	9	5	"	"
704	Aug. 28, 1838...	In-chaf-fah-tubby	1	16	7	3	"	"
712	Aug. 26, 1838...	Sammy	1	16	6	1	"	"
713	" "	Ben Allen	1	16	9	1	"	"
724	Sept. 4, 1838....	Ah-lo-mah	1	16	8	2	"	"
729	Nov. 12, 1838...	Ish-mah-tubby	1	16	8	1	"	"

Chickasaw reservations—Continued.

Roll No.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.	Date of location.	
605	Puf-cah-chah	1					June 29, 1838	D.
618	Stim-mo-la-la	1	26	5	5	W.	" "	
664	Kam-pit-lah-to-nah	1	26	4	9	"	Oct. 11, 1838	"
665	Pam-ya-ho-nah	1	16	3	6	"	" "	"
671	Ish-te-lah-yea	1	15	2	9	"	" "	"
672	Po-sham-tubby	1	23	4	9	"	" "	"
673	Me-chah-lah	1	16	4	6	"	" "	"
674	Sal	1	16	5	6	"	" "	"
675	Solomon	1	32	4	9	"	" "	"
678	Yock-a-tubby	1	31	4	9	"	" "	"
683	Ah-che-lah-tah	1	33	4	9	"	" "	"
684	E-lah-fah-nah	1	36	4	9	"	Aug. 28, 1838	"
693	Ho-chy	1	35	4	9	"	" "	"
698	Shan-lah	1	16	5	9	"	" "	"
711	Ah-no-hatchee	1	16	4	9	"	" "	"
718	Joseph McIntosh	1	16	2	8	"	" "	
719	Alcy Hancock	1	14	4	9	"	" "	"
601	Shah-lubby	1	16	5	6	E.	June 29, 1838	
607	Wesly	1	16	2	10	"	" "	"
608	Fah-shil-kah	1	16	4	6	"	" "	"
614	Ah-to-lo-tubby	1	16	2	6	"	" "	"
632	Cah-chee	1	16	2	8	"	" "	
659	Wee-tubby	1	16	4	7	"	" "	"
660	Shah-ah-yah-cubby	1	20	4	7	"	" "	"
669	In-tubby	1	3	3	10	"	" "	"
679	Ah-no-wah-tubby	1	24	3	10	"	" "	"
691	Til-lah-ho-key	1	16	5	7	"	" "	"
748	O-nah-mah-umby	1	16	3	10	"	" "	
680	Ho-yah-le	1	16	10	7	E.	Oct. 11, 1838	"
702	Phe-man-ta	1	16	11	7	"	Aug. 28, 1838	"
714	Peggy Cenly	1	16	7	7	"	Aug. 20, 1838	"
715	Arta Cenly	1	16	8	7	"	" "	"
716	Robert Hancock	1	16	9	7	"	" "	"
720	O-nah-tah-umby	1	16	10	8	"	" "	"
730	Tish-o-wah	1	35	11	8	"	Nov. 12, 1838	"

REGISTER'S OFFICE, *Pontotoc, Mississippi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify that the above and foregoing is a true copy of the roll numbers, reservees and locations, under the 5th article of the treaty between the United States and Chickasaw Indians, and of the lists of persons furnished by the Chickasaw agent to the register and receiver, as Indians entitled to land under said article of said treaty, and all of said lists that relates to said Indians, as remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 1st day of March, 1849.

ANDREW J. EDMONDSON, [SEAL.]
Register.

EXHIBIT No. 4 and G.

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.	
598	June 29, 1838...	Um-mo-mi-sho-tubby.....	1	33	10	7	W.	D.
609	" "	Ka-lan-tah.....	1	16	8	7	"	
610	" "	Im-mah-ho-yea.....	1	2	10	8	"	"
612	" "	Shoe-ho-yea.....	1	27	10	7	"	
613	" "	Ish-tah-pah-kah.....	1	11	10	6	"	"
624	" "	Cun-ne-ah-tubby.....	1	14	11	7	"	
628	" "	Pa-ha-la-ka.....	1	S. ½ 7	10	6	"	"
629	" "	E-ah-ho-to-na.....	1	W. ½ 8	"	"	"	"
604	" "	Gilbert.....	1	16	7	5	"	"
633	" "	Pe-ho-kah.....	1	12	8	9	"	"
634	" "	Phil-le-mah.....	1	6	10	8	"	
661	October 11, 1838.	Ish-te-kah-te.....	1	29	11	6	"	"
662	" "	To-wah-ka.....	1	19	"	"	"	"
663	" "	Che-ho-yea.....	1	21	10	6	"	"
667	" "	Po-kah.....	1	20	"	"	"	"
677	" "	Me-kah-che.....	1	11	9	6	"	"
696	August 28, 1838.	Yo-nah.....	1	16	9	6	"	"
700	" "	May-tubby.....	1	13	10	6	"	"
701	" "	E-lah-pin-tubby.....	1	35	10	6	"	"
703	" "	Ho-she-ho-nah.....	1	34	10	6	"	"
705	" "	Che-wah.....	1	25	10	6	"	"
717	August 20, 1838.	Nat. Graham.....	1	4	11	6	"	"
759	June 17, 1839...	E-o-chee.....	1	36	9	9	"	
760	" "	Pis-tom-by.....	1	9	9	9	"	
599	June 29, 1838...	Sho-hah-la-cha.....	1	6	6	2	E.	
600	" "	Sha-tim-ah.....	1	16	4	4	"	"
622	" "	Con-shee-tah.....	1	16	7	5	"	"
623	" "	Ah-pah-ho-tah.....	1	16	5	4	"	"
625	" "	To-po-yea.....	1	16	3	4	"	"
626	" "	Bah-no-yea.....	1	16	7	4	"	"
676	" "	May-field.....	1	16	4	3	"	
686	" "	Tum-mul-la-cha	1	16	3	3	"	"
687	" "	Al-ka-ful-lah.....	1	16	2	3	"	"
1304	July 12, 1838...	Un-ta-me-la. No. in family, 2.	2	27	4	11	W.	
				28	4	11	"	
1308	June 17, 1839...	Tin-a-hoh-la.....	2	6	4	10	"	
				7	"	"	"	
1309	" "	Mo-mah-ubby.....	2	19	"	"	"	
				20	"	"	"	
1310	" "	Ho-to-sha	2	13	4	11	"	
				14	"	"	"	
1311	" "	Tus-she-ka-at-kee.....	2	27	8	10	"	
				34	8	10	"	
1312	" "	Stim-mo-ho-tubby	2	28	"	"	"	
				29	"	"	"	
1315	" "	Mat-tah	3	1	4	10	"	
				11	"	"	"	
				12	"	"	"	

2128.

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.
1316	July 17, 1839...	Tom	3	13	4	10	W.
				14	"	"	"
				23	"	"	"
1319	" "	Shu-lut-kis.....	2	31	3	10	"
				32	"	"	"
1320	" "	Took-a-loo-ars-tubby.....	2	26	"	"	"
				27	"	"	"
1321	" "	Ar-che-ubby	2	28	"	"	"
				33	"	"	"
1322	" "	Oke-lish-tubby.....	2	11	5	11	"
				14	"	"	"
1323	" "	Stick-I-O-ka-tubby	2	23	5	11	"
				34	"	"	"
1324	" "	Ish-to-in-ah	2	2	"	"	"
				3	"	"	"
1325	" "	Shim-me-in-yea.....	2	1	"	"	"
				12	"	"	"
1326	" "	O-kah-lah-pomby.....	2	26	"	"	"
				35	"	"	"
1327	" "	Kata-ward.....	2	22	6	11	"
				27	"	"	"
1328	" "	On-chee-tubby.....	2	34	"	"	"
				35	"	"	"
1329	" "	Ish-tah-hoth-la.....	2	2	8	11	"
				11	"	"	"
1331	" "	Fah-la-mo-tubby.....	2	13	7	10	"
				24	"	"	"
1332	" "	Stin-i-ho-pah-nah.....	3	4	4	10	"
				5	"	"	"
				8	"	"	"
1333	" "	Is-tim-ah-ho-nah.....	2	19	7	11	"
				20	"	"	"
1334	" "	Poc-con-o-la.....	3	9	4	10	"
				16	"	"	"
				17	"	"	"
1335	" "	Poc-cum-ma.....	2	9	7	10	"
				16	"	"	"
1336	" "	Cun-na-chu-na.....	3	21	4	10	"
				22	4	10	"
				28	"	"	"
1337	" "	Chick-a-ma-ho-ka.....	3	1	4	11	"
				11	"	"	"
				12	"	"	"
1338	" "	Sho-mubby.....	2	11	7	10	"
				14	"	"	"
1339	" "	Ish-tup-pah-ka	2	29	7	10	"
				32	"	"	"
1340	" "	Mal-le-tubby.....	2	27	"	"	"
				26	"	"	"
1269	Decem'r 4, 1838.	Kah-lun-to. No. in family, 3..	2	26	4	10	"
				27	"	"	"
1305	" "	Eliza Garrison.					
1341	June 17, 1839.	Tus-car-no-tubby.....	3	31	6	12	"
				32	"	"	"
				33	"	"	"

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.
1342	July 17, 1839...	Ah-le-nah.....	3	10	6	12	W.
				11	"	"	"
				12	"	"	"
1343	" "	Ca-na-ho-nah.....	2	15	7	10	"
				22	"	"	"
1344	" "	Mul-la-la-ho-yea.....	2	3	7	11	"
				10	"	"	"
1345	" "	O-qua-cun-na-ubby.....	3	25	6	12	"
				26	6	12	"
				35	"	"	"
1346	" "	Stim-mul-lee-cha.....	3	4	7	12	"
				5	"	"	"
				6	"	"	"
1347	" "	Stim-mul-lee-cha.....	2	14	"	"	"
				23	"	"	"
1348	" "	Un-che-tubby.....	2	11	"	"	"
				12	"	"	"
1349	" "	Tat-loo-to-lubby.....	3	12	"	"	"
				13	"	"	"
				24	"	"	"
1351	" "	Fill-le-tomby.....	3	21	5	11	"
				22	"	"	"
				27	"	"	"
1353	" "	O-quah-lah-pomby.....	2	28	8	10	"
				35	"	"	"
1354	" "	Stim-ah-ho-pah-nah.....	3	1	"	"	"
				2	"	"	"
				3	"	"	"
1355	" "	Chun-oo-che	3	20	"	"	"
				21	"	"	"
				22	"	"	"
1356	" "	Fah-lah-mer.....	2	24	"	"	"
				25	"	"	"
1357	" "	Chuf-fah-tubby.....	2	9	6	10	"
				16	"	"	"
1358	" "	Ho-to-she-ubby.....	2	21	"	"	"
				28	"	"	"
1359	" "	Tus-ca-ar-comby.....	2	4	"	"	"
				5	"	"	"
1360	" "	Char-lar-ka.....	3	17	8	10	"
				18	"	"	"
				19	"	"	"
1361	" "	Shee-la-tubby.....	2	11	6	11	"
				14	"	"	"
1363	" "	Oke-char-le-homer.....	2	23	"	"	"
				26	"	"	"
1364	" "	Tush-shee-ma-tubby.....	3	23	4	12	"
				25	"	"	"
				26	"	"	"
1365	" "	Shoom-a-cha.....	2	33	6	11	"
				32	"	"	"
1366	" "	Mo-ho-to-tubby	2	3	7	10	"
				4	"	"	"

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Entitled.	Section.	Township.	Range.	E. or W.
1367	July 17, 1839...	Fo-la-chee.....	3	2	6	11	W.
				3	6	"	"
				4	"	"	"
1368	" "	Mat-al-a-cher.....	2	35	3	10	"
				36	"	"	"
1369	" "	Cle-tah.....	2	11	"	"	"
				12	"	"	"
1370	" "	Stim-mo-hoth-la	2	13	5	11	"
				26	"	"	"
1371	" "	To-wah-ka.....	3	16	6	11	"
				21	"	"	"
				28	"	"	"
1372	" "	E-lah-pin-ubby.....	3	16	7	11	"
				17	"	"	"
				21	"	"	"
1373	" "	Ste-ah-ah-tubby	2	25	5	11	"
				36	"	"	"

REGISTER'S OFFICE, *Pontotoc, Miss.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mi., do hereby certify that the above and foregoing is a true copy of the roll numbers, reservees and locations, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the lists of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and of all of said list that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, [SEAL.]
Register.

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Age. 10 or over.	Age. 5 or over.	Age. Under 5 years.	Slaves.	Entitled to	Section.	Township.	Range.	E. or W.
1263	July 12, 1838..	Shot-tim-mah.....	....	5	....	....	3	26	2	6	W.
								34	"	"	"
								35	"	"	"
1264	" "	To-ni-yea.....	....	....	2	....	2	15	4	9	"
								22	"	"	"
1272	" "	Tush-qui-yea.....	....	....	2	....	2	20	"	"	"
								21	"	"	"
1306	" "	Mus-tuck-chubby...	....	....	2	....	2	7	"	"	"
								18	"	"	"
1307	" ",	Le-whi-ka.....	....	....	....	....	2	19	"	"	"
								30	"	"	"
1317	" "	Pis-ta-lubby.....	....	....	....	....	2	35	2	10	"
								36	"	"	"
1318	" "	Stim-mah-lut-ta.....	....	....	....	....	2	23	"	"	"
								26	"	"	"

REGISTER'S OFFICE, *Pontotoc, Mi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify that the above and foregoing is a true copy of the roll numbers, reservations and locations, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the list of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled under said article of said treaty, and all of said lists that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this the 2d March, 1849.

(Signed) ANDREW J. EDMONDSON, [SEAL.]
Register.

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Age. 10 or over.	Age. 5 or over.	Age. Under 5 years.	Slaves.	Entitled to.	Section.	Township.	Range.	E. or W.
*1302	July 12, 1838.	Tah-lun-ta.....	....	....	3	....	2	25 36	4 "	5 "	W. "

* Heretofore located to Wykey-sely, who was not entitled.

REGISTER'S OFFICE, *Pontotoc, Mi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mi., do hereby certify that the above and foregoing is a true copy of the roll number, reservee and location, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the list of persons furnished by the Chickasaw agent to the register and receiver, as an Indian entitled to land under said article of said treaty, and all of said list that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, *Register.* [SEAL.]

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Age. 10 or over.	Age. 5 or over.	Age. Under 5 years.	Slaves.	Entitled to.	Section.	Township.	Range.	E. or W.
1265	July 12, 1838.	To-she-cah	....	....	2	....	2	33 5	4 4	7 4	E. "
1295	Dec. 4, 1838..	Oke-chi-yea.....	....	....	....	....	....	6	6	"	"

REGISTER'S OFFICE, *Pontotoc, Mi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify that the above and foregoing is a true copy of the roll numbers, reservees and locations, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the list of persons furnished by the Chickasaw agent to the register and receiver, as Indians entitled to land under said article of said treaty, and all of said list that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 20th day of March, 1849.

(Signed) ANDREW J. EDMONDSON, *Register.* [SEAL.]

Exhibit No. 4 and G.

Reservations under the 5th article of the treaty of the 24th of May, 1834.

Roll No.	Date of location.	Reservee.	Number in family.				Tracts located.				
			10 or over.	5 or over.	Under 5 yrs.	Slaves.	Entitled to.	Section.	Township.	Range.	E. or W.
1274	July 12, 1838	Ho-ti-cha.....	....	....	2	....	2	24	23	8	E.
								19	"	9	"
1276	" "	To-sho-wah.....	....	....	3	....	2	6	"	"	"
								7	"	"	"
1280	" "	Ah-to-cha.....	....	....	4	....	2	1	22	10	"
								2	"	"	"
1282	" "	Chah-fah-tubby.....	....	....	4	....	2	2	15	1	"
								3	"	"	"
1283	" "	No-wah-ho-nah.....	....	....	4	....	2	16	22	10	"
								17	"	"	"
1284	" "	Win-ni-yea.....	....	....	3	....	2	22	"	"	"
								27	"	"	"
1285	" "	Ho-yan-no.....	....	....	2	....	2	11	22	9	"
								14	"	"	"
1288	" "	She-wah-ka.....	....	....	4	....	2	12	"	"	"
								13	"	"	"
1290	" "	Ho-wah-ta.....	....	....	4	....	2	4	21	12	"
								9	"	"	"
1291	" "	Hah-no-ah-tubby....	....	....	3	....	2	5	"	"	"
								8	"	"	"
1292	" "	Che-quah-tah-ka....	....	....	3	....	2	5	16	3	"
								6	"	"	"
1293	" "	We-quah-tubby.....	....	....	3	....	2	7	"	"	"
								8	"	"	
1294	" "	Ah-no ah-tubby.									

Register's Office, *Pontotoc, Mississippi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify, that the above and foregoing is a true copy of the roll numbers, reservations and locations, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the lists of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and all of said lists that relates to said Indians, as the same remains of record in my office.

Given under my hand and privateseal, (there being no seal of office,) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, [seal.]
Register.

EXHIBIT No. 4 and G.—*Reservations*—Continued.

Roll No.	Date of location.	Reservee.	Number in family.				Tracts located.				
			10 or over.	5 or over.	Under 5.	Slaves.	Sections entitled.	Section.	Township.	Range.	E. or W.
1257	July 12, 1838	Coo-cha-tubby.....	....	....	3	....	2	17	25	6	E.
								18	"	"	"
1259	" "	Muth-la-tubby	....	....	3	....	2	25	25	"	"
								24	"	"	"
1260	" "	Ah-tesh-ka.....	....	....	3	....	2	15	"	"	"
								22	"	"	"
1262	" "	Ho-tin-tubby.....	....	7	....	....	3	8	"	"	"
								9	"	"	"
								16	"	"	"
1266	" "	Il-lah-wah-to-nah...	....	7	....	....	3	21	"	"	"
								27	"	"	"
								28	"	"	"
1267	" "	Ho-chubby.....	....	....	3	....	2	4	"	"	"
								5	"	"	"
1271	" "	Pah-ka-moby.....	....	....	4	....	2	2	"	7	"
								3	"	"	"
1274	" "	Ho-ti-ka.....	....	....	2	....	2	24	23	8	"
								19	"	9	"
1275	" "	Wy-o-ka.....	....	....	4	....	2	12	23	8	"
								13	"	"	"
1278	" "	Sho-pah-chubby....	....	....	3	....	2	1	24	7	"
								12	"	"	"
1277	" "	Wen-tubby.....	....	....	2	....	2	22	23	8	"
								23	"	"	"
1279	" "	Ah-no-la-chubby....	....	....	4	....	2	2	24	7	"
								11	"	"	"
1286	" "	Ah-fah-ma-tubby...	....	....	2	....	2	5	24	8	"
								6	"	"	"
1287	" "	Stme-o-non-cha	....	....	3	....	2	2	23	8	"
								35	24	8	"
1288	" "	E-to-to-yea	....	....	3	....	2	7	"	"	"
								8	"	"	"
1298	" "	Che-chah-ho-ka	....	5	....	....	3	15	24	7	"
								22	"	"	"
								23	"	"	"
1299	" "	E-lah-ho-umby.....	....	....	3	....	2	12	25	5	"
								13	"	"	"
1300	" "	E-yea-nubby.....	....	....	3	....	2	2	25	6	"
								3	"	"	"
1301	" "	Push-tubby.....	....	....	3	....	2	3	25	5	"
								10	"	"	"
1303	" "	Ah-cah-nubby.....	....	....	4	....	2	14	23	8	"
								15	"	"	"

REGISTER'S OFFICE, *Pontotoc, Mississippi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify, that the above and foregoing is a true copy of the roll numbers, reservees and locations, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the list of persons fur-

nished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and all of said list that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, *Register*. [SEAL.]

EXHIBIT No. 4 and G.—*Chickasaw reservations*—Continued.

Roll No.	Date of location.	Reservee.	Number in family.				Tracts located.				
			10 or over.	5 or over.	Under 5.	Slaves.	Entitled to.	Section.	Township.	Range.	E. or W.
1252	July 12, 1838.	O-lah-in-tah	....	6	....	....	3	31	10	6	W.
								32	"	"	"
								33	"	"	"
1253	" "	Im-mubby	....	5	....	....	3	24	10	7	"
								25	"	"	"
								26	"	"	"
1254	" "	Oke-lah-koke-ta	....	7	....	....	3	21	"	"	"
								22	"	"	"
								27	"	"	"
1261	" "	Te-wah-la-cha	....	....	2	....	2	26	10	6	"
								27	"	"	"
1268	" "	Ah-la-ho-ka	....	....	3	....	2	14	"	"	"
								15	"	"	"
1273	" "	Con-cha-ho-yea	....	....	4	....	2	22	"	"	"
								23	"	"	"
1296	" "	Billy Homak	....	6	....	....	3	1	"	"	"
								2	"	"	"
								12	"	"	"
1297	" "	Fah-lah-mah-tubby	....	6	....	....	3	3	"	"	"
								9	"	"	"
								10	"	"	"
1313	" "	Te-fah-mah	....	....	....	....	2	22	9	9	"
								27	"	"	"
1314	" "	I-o-na-tubby	....	....	....	....	2	23	"	"	"
								24	"	"	"
1330	" "	Kle-tah	....	....	....	....	2	20	6	9	"
								29	"	"	"
1350	" "	Ish-tah-po-kah	....	....	....	....	3	4	8	"	"
								5	"	"	"
								9	"	"	"
1352	" "	Took-a-loo-ars-tubby	....	....	....	....	3	15	8	9	"
								16	"	"	"
								22	"	"	"
1362	" "	Fah-lah-mo-tubby	....	....	....	....	3	4	9	9	"
								5	"	"	"
								8	"	"	"

REGISTER'S OFFICE, *Pontotoc, Mississippi.*

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify, that the above and

foregoing is a true copy of the roll numbers, reservees and locations, under the 5th article of the treaty between the United States and Chickasaw tribe of Indians therein set forth, and of the list of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and all of said lists that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, [SEAL.]
Register.

EXHIBIT No. 4 and G.

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Number in family.				Tracts located.				
			10 and over.	5 and over.	Under 5.	Slaves.	Entitled to.	Section.	Township.	Range.	E. or W.
1255	July 12, 1838.	Ho-ta-cha.....	....	8	....	....	3	13 14 15	10 "	7 "	W. "
1256	" "	Te-yah-pah	....	6	....	....	3	5 6 7	11 "	7 "	E. "
1281	" "	Ho-ti-yea.....	....	....	3	....	2	20 29	11 "	8 "	" "

REGISTER'S OFFICE,
Pontotoc, Mississippi.

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify, that the above and foregoing is a true copy of the roll numbers, reservees and locations, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the lists of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and all of said list that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 2d day of March, 1849.

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Register.

EXHIBIT No. 4 and G.

Chickasaw reservations—Continued.

Roll No.	Date of location.	Reservee.	Number in family.				Tracts located.				
			10 and over.	5 and over.	Under 5.	Slaves.	Entitled.	Section.	Township.	Range.	E. or W.
1294	July 12, 1838.	Ah-no-ah-tubby	....	....	2	....	2	4 5	11 11	7 7	W. "

REGISTER'S OFFICE,
Pontotoc, Mississippi.

I, Andrew J. Edmondson, register of the land office of the United States at Pontotoc, Mississippi, do hereby certify, that the above and foregoing is a true copy of the roll number, reservee and location, under the 5th article of the treaty between the United States and Chickasaw Indians therein set forth, and of the lists of persons furnished by the Chickasaw agent to the register and receiver as Indians entitled to land under said article of said treaty, and all of said list that relates to said Indians, as the same remains of record in my office.

Given under my hand and private seal, (there being no seal of office,) this 2d day of March, 1849.

(Signed) ANDREW J. EDMONDSON, [SEAL.]
Register.

Thomas N. Niles and Eli Ayres filed their cross-bill in this cause, in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Northern district of Mississippi.

On the equity side of the district court of the United States for said northern district.

To the Honorable Samuel J. Gholson, judge of district court:

Thomas N. Niles and Eli Ayres, who are citizens of said northern district, bring this their cross-bill against, viz:

1 Henry Allen,
2 George Armstrong,
3 Mary Andrews,
4 John T. Abernathy,
5 James Brown,
6 Gully Moon Brown,
7 Benjamin M. Bradford,
8 Samuel Bullen,
9 James Barber,
10 Charles G. Butler,
11 Zackariah N. Bennett,
12 Cynthia Ann Bayliss,
13 John T. Barefoot,
14 James Baker,
15 Richard Baker,
16 James B. Beard,
17 John D. Bradford,
18 Robert H. Bagley,
19 ——— Be ll,
20 John M. Bradford,
21 John Beauchamp,
22 Levi T. Beauchamp,
23 William Burleson,
24 Henry Benson,
25 James Bromley,
26 John Bourland,
27 Peter F. Boone,
28 John H. Bell's unk'n heirs,
29 Hugh Craft,
30 Samuel M. Cohen,
31 John Cohen,
32 William R. Cox,
33 Alfred Carter,
34 James A. Chapman,
35 Joseph J. Caldwell,
36 Aaron M. Cook,
37 Caleb Cox,
38 Doctor N. Cayce,
39 Counsell Cooper,
40 William G. Campbell,
41 Edward P. Carter,
42 James Caruthers,
43 Henry Chumpert,
44 Wilkes G. Connell,
45 Solomon M. Cunningham,
46 Joseph W. Chalmers,
47 Robert L. Crawford,
48 Robert Carter,
49 Thomas Clement,
50 Hiram Carver,
51 Eli M. Driver,
52 John Davis,
53 William H. Duke,
54 George W. Daton,
55
56 Morton Dudley,
57 Daniel J. Donn,
58 Elijah H. Dabbs,
59 Henry Duke,
60 Laurence Daniel,
61 A. Duberry,
62 Peter H. Dubois,
63 James C. Dubois,
64 John R. Dubois,
65 Samuel Duffield,
66 Jane Eades,
67 Robert W. Edmondson,
68 Allen Elam,
69 Mary T. Ellis,
70 Samuel Edwards,
71 John J. Edmondson,
72 Solomon Evans,

73 Edwin C. Estis,
74 James Evans,
75 William Evans,
76 John Easley,
77 Julian Fowler,
78 John Forsett,
79 William Finley,
80 William Flat,
81 Daniel Flat,
82 James Greer,
83 Peyton R. Gill,
84 Charles F. Glesson,
85 Edward D. Greene,
86 James D. Goines,
87 George W. Graham,
88 John W. Graham,
89 H. T. Gilman,
90 Martha M. Griffis,
91 John C. Gleaton,
92 Thomas B. Hoover,
93 Jesse Heard,
94 Frances Hudson,
95 James M. Henry,
96 John C. Hubbard,
97 Maril Hill,
98 John Hiner,
99 John G. Henly,
100 Jonathan Hunt,
101 James M. Harris,
102 William G. Huddleston,
103 Mark Healey,
104 D. Y. Hall,
105 Wardlaw Howard,
106 Aba Herring,
107 Alfred W. Harrison,
108 Peter Hubbard,
109 William Hunter,
110 Thomas L. Jones,
111 John P. Jones,
112 William S. Jones,
113 Walden Jones,
114 Elliott Jones's unk'n heirs,
115 Andrew J. Jones,
116 Israel P. Johnson,
117 Reuben Jones's unk'n heirs,
118 Reverdy Johnson,
119 David T. Johnson,
120 K. Jones,
121 G. Johnson,
122 Lindsay Johnson,
123 William H. Kilpatrick,
124 Jared E. Kirkby,
125 John Keith,
126 John Kemp's unknown heirs,
127 Jacob Kuikendall,
128 Allen Kendrick,
129 Hazel S. King,
130 James Kirkman,
131 James R. Kirkby,
132 Elizabeth V. Lickeridge,
133 Littleberry Leftwick's unknown heirs,
134 William T. Lively,
135 James Laughlin,
136 Edward T. Leach,
137 William Leslie,
138 Margaret Ladd,
139 Anthony B. Lambert,
140 George Laudon,
141 Absalom Levanslear,
142 Joseph W. Matthews,
143 Pitser Miller,
144 Mary E. Mitchell,
145 Austin Miller,
146 John D. Martin,
147 Alexander R. Matthews,
148 John A. McNeil,
149 Thomas J. Maline,
150 Branch Morgan,
151 Hugh McGehee,
152 Charles H. Morgan,
153 Holland W. Middleton,
154 Elizabeth Marshall,
155 John A. Maris,
156 William H. Maris,
157 Wiley B. Miller,
158 Eliza F. Morris,
159 Moore Moone,
160 Haralson McMinn,
161 Benjamin McCullar,
162 Alexander McCullar,
163 James McGehee,
164 Andrew Jackson McGee,
165 William S. Neilson,
166 Samuel H. Nelms,
167 William Noll,

168 Allen Nabers,
169 Richard E. Orne,
170 William H. P. Orne,
171 Benjamin F. Osborn,
172 James Perry,
173 Moses Perkins,
174 John Perkins,
175 Jacob B. Pitcock,
176 Grissella M. Pou,
177 Reuben J. Putton,
178 Samuel H. Paden,
179 John M. Paden,
180 Purchett Payne,
181 Winship L. Petty,
182 John Potts,
183 James K. Polk's unk'n heirs,
184 Thoms E. Pearsall,
185 George C. ———,
186 Henry P. Pou,
187 Nicholas Payne,
188 Henry M. Rayburn,
189 Elizabeth Rayburn,
190 George G. Reneau,
191 Samuel S. Rayburn,
192 Danl. W. Ragsdale's unknown heirs,
193 Samuel Rankin,
194 Edmond W. Rootes,
195 John G. Randolph,
196 John Y. Roll,
197 Thomas J. Riley,
198 John C. Riley,
199 Steppacher & Bissenger,
200 Samuel B. Sheldon,
201 Daniel Saffarrans,
202 John A. Sims,
203 LeRoy Sims,
204 Franklin Smith,
205 Wiley Smith,
206 Andrew Jackson Saunders,
207 Geo. Washington Saunders,
208 Stephen Saunders,
209 William Stockton,
210 Samuel Stebbins,
211 Moses L. Sparks,
212 ——— Sheld,
213 Jacob Thompson,
214 Levi P. Taylor,
215 William Thrasher,
216 William F. Finley,
217 Alexander Thompson,
218 James Thomas,
219 Calvin A. Taylor,
220 Bennett S. Trice,
221 John Tally,
222 James H. Unthank;

And thereupon your orators, the said Thomas N. Niles and Eli Ayres, complain and say, that heretofore, viz: on the 2d day of June, 1851, the aforesaid defendant Hiram Carver, who is a citizen of the State of Alabama, filed his original bill of complaint in the equity side of said district court, against your orators and the other defendants above named; in which, his said original bill, the said Hiram Carver states the negotiation and ratification of the treaties between the Government of the United States and the Chickasaw tribe of Indians, viz: the first concluded on 20th day of October, 1832, at the counsel-house on Pontotoc creek, and ratified March 1st, 1833; and the second concluded at Washington city, May 24th, 1834, and ratified July 1st, 1834.

The said original bill further states, that after the country ceded to the United States by said Chickasaw tribe of Indians by said treaties had been fully surveyed according to the provisions of the same, and after all due and public notice had been given and times allowed, for the periods of six and three months, as required by said treaties, there were duly and legally offered for sale at public auction at Pontotoc certain townships and ranges of lands set forth and enumerated at large on pages 9 and 10 of said original bill, in tabular form, at the dates

stated upon said table, to which, as the same is voluminous, reference is here prayed to be made. Said original bill further states, that at and up to the time of offering said lands for sale as aforesaid in said original bill, no one who claimed or pretended to claim any reservation of land in fee or otherwise, under the provisions of said treaties, had made any application or claim for such reservation or entry at the land office at Pontotoc or elsewhere, or applied for the same to be marked on the map of surveys, as to any of said lands which in said original bill were after claimed by said Hiram Carver; but that such lands so claimed by said Carver were duly and regularly offered for sale at public auction at said land office, at the minimum price of one dollar and a quarter per acre, and that no one would purchase them then at that price. That thereafter and for one year longer, said lands were subject to sale by entry at that price in said land office, but that no one entered the same at that price; and that thereafter and for one year longer, they remained subject to entry at one dollar per acre, and so on successively through the graduating scale provided in and by the 11th article of said treaty of May 24th, 1834, till up to and at the 20th day of January, 1843, there remained unsold and subject to sale by entry at the price of 12½ cents per acre, according to the provisions of said 11th article, all the lands claimed by said Carver in his said bill, and which are enumerated at large in "exhibit A" of said original bill, which being very voluminous, reference is here made thereto. That on said 20th January, 1843, said Carver made application in writing to Andrew J. Edmondson, register of the land office at Pontotoc, to enter the lands mentioned in said "exhibit A" at 12½ cents per acre, but that said Edmondson refused to permit him to enter the same, or to make out his said application in the form required by law, necessary to enable him to pay for the same to the receiver of said land office, and to obtain certificates of entry on payment of the money, under the pretence by said register that said lands had been reserved from sale and located to Chickasaw Indian reservees under said treaties, which fact of reservation and location is denied by said original bill. That he, said Hiram Carver, then and there tendered to John F. Wray, the receiver of said land office, in lawful currency of the United States, the sum of money necessary to pay for said lands at 12½ cents per acre; but that said Wray refused to receive the same or issue certificates of purchase, for want of authority from said register; which said money complainant still tendered in his said original bill. That afterwards, said register and receiver permitted the aforesaid defendants to enter at said land office those of said lands which are designated to them respectively upon said "exhibit A" of said original bill, and at the times then shown; all of whom had notice at the time of said Carver's equities and rights thereof thereto. That William H. Duke and others of said defendants, also made parties to said bill, likewise claim title to some of said lands derived from some of said defendants who had thus entered the same, but that said Duke and others at the time had notice of said Carver's rights in the premises. Said complainant Carver further states in his said original bill, that said

defendants thereto are so numerous that it would be impossible, from the occasional deaths of some and non-residence of others, to bring said cause to trial as to all of them at the same time; that to sue them separately would be ruinous in costs and charges; that as against each and all of them complainant seeks to subject one and the same general right. Complainant Carver therefore prays in his said original bill to be permitted to file the same against all said defendants holding said lands or claiming interests therein adverse to him; that so many of said defendants as to the court may seem fit and expedient be allowed to controvert said Carver's rights in the premises, and as may be necessary to fully and fairly vindicate the defence of such last-named defendants, and without prejudice to the rights of the other defendants; that the cause be allowed to progress to a decree as for or against complainant Carver, or the defendants so allowed to defend; that complainant be allowed to bring in the other defendants as he may be enabled to serve them with process, and the non-resident defendants as they may come within the jurisdiction of this court, and also the heirs or representatives of the deceased defendants as aforesaid, as they shall be discovered, with apt words to charge them. Said Carver then prays in his original bill for the pro'ss of subpœna against all of the defendants thereto, to appear and answer the same; and also that he be permitted to make any other persons defendants thereto whom he may afterwards discover to be necessary and proper to be so made defendants, with apt words to charge them. Said Carver by his said original bill then prays further, that by appropriate decree of the court the aforesaid purchases, entries and transfers of said defendants be respectively cancelled and set aside; that said Carver be permitted to enter said lands in "exhibit A" mentioned, at 12½ cents per acre, or that said defendant, respectively, or those holding or claiming under them or any of them, be decreed to hold the said lands so claimed by each of them in trust for the use and benefit of said complainant, and also properly to convey the same to said complainant and yield to him possession thereof; or if in his said prayer said complainant had mistaken the relief to which he was entitled, that the court would grant to him such other or further relief as might seem proper, or as the nature of the case might require and to equity should appertain. Said complainant in his original bill then proceeds to specially interrogate said defendants, by consecutive interrogatories, as to the matters charged in said original bill.

And at the June term, 1851, of said district court, and on the 4th day of said month, said complainant by his counsel moved said court to order that said cause be proceeded in, by having before the court the defendants, James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, Thomas N. Niles, and Eli Ayres; the parties defendant being very numerous, and could not without manifest inconvenience and oppression be all brought before the court, and said named defendants being sufficient parties to represent before the court all the adverse interests of all the other defendants in the questions at issue. Which order was granted, and subpœnas with copies of the same

were ordered to be served upon said named defendants. Which has been done except as to said Ayres; said defendants James Brown, Jacob Thompson, John P. Jones, and William H. Duke, have heretofore answered said original bill; and your orators, Thomas N. Niles and Eli Ayres, have at the time of filing this their cross-bill of complainant filed also in said court their joint answer to said original bill. Reference is here made to said several answers. And your orators, the said Thomas N. Niles and Eli Ayres, further complain and say, as they have already stated in their answer to said original bill of said Carver, that they jointly claim title to all of those lands set forth in the "exhibit A" to said Carver's original bill, which are included and specified in the "exhibits Nos. 1 and 2" of the said answer filed to said original bill; and as said "exhibits 1 and 2" *is* very voluminous, and would greatly and unnecessarily swell and cumber the record to be here copied and filed with this their cross-bill, they pray that they may adopt it and refer to it as part of said cross-bill, as "exhibit F" thereof.

Your orators further charge, that the manner in which they acquired their title to the lands to which they thus claim title is as follows, viz: At the various respective times indicated in their said "exhibit F," and long anterior to the 20th of January, 1843, when said Carver pretends to have applied at the land office at Pontotoc, and offered to enter said lands at 12½ cents per acre, and anterior to the illegal and pretended entry of said lands at said land office by said Carver's co-defendants to this cross-bill, as charged by him in his original bill and as hereinafter shown and charged, the said lands here claimed were in strict compliance with the provisions of the aforesaid treaties of October 20th, 1832, and May 24th, 1834, between the Government of the United States and the Chickasaw tribe of Indians, duly and legally reserved from sale and located to the respective Chickasaw Indian reservees designated in said "exhibit F," and were by said Indians respectively, for valuable and adequate consideration paid to them, legally, duly, and regularly sold and conveyed to your orators at the dates of the said sales indicated upon said last-named "exhibit F." Some of said lands were conveyed by the respective Indians to your orator Niles, and some to your orator Ayres, while others were conveyed to Robert M. Niles, now dead, but all said purchases were on joint account of your orators in equal interest. Your orators have in their possession the written receipts of many of said Indian reservees for the consideration paid to them respectively for said locations; they have also the official certificates of Andrew J. Edmondson, at the time register of the land office at Pontotoc, of the reservation and location of said lands to said Indians respectively; and they have likewise the deeds of said Indians respectively, conveying said lands to your orators; upon all of which deeds are written the certificates of two of the seven chiefs designated for that purpose in the 4th article of said treaty of 24th May, 1834, that the particular Indian owning the land was capable to manage and take care of his or her affairs; and upon many of which deeds is also written the certificate of the Indian agent of the same fact,

certified to by said two chiefs; and furthermore that a fair consideration had been paid to said Indian reservees; while others of said deeds are without said certificate of said agent, the said agent refusing his certificate under instructions from the Commissioner of Indian Affairs. All said deeds are without the approval of the President of the United States or his approving agent, as provided in said 4th article of said treaty; but your orators state and charge, that as to all of said deeds which contained the said certificates of two chiefs and of the said agent as aforesaid, application was in due form made by your orators to the Commissioner of Indian Affairs at Washington city, to have said deeds passed and presented to the President of the United States, and recommended for his approval under said 4th article, as is the customary mode of proceeding in the department to obtain such approval, which was by said commissioner refused; the reasons for said instructions were at the time and are still wholly and totally unknown to complainants. And your orators are advised and charge, that said reservation and location of said lands, purchases from and conveyances by said Indian reservees, certificates thereon and proceedings in reference thereto, fully invested your orators with the perfect equitable title to said lands, even if, in the opinion of this honorable court, they did not hereby acquire the legal title thereto, and they submit it to the court whether they did not thereby actually acquire such legal title. All of which more fully and at large appear in and by the aforesaid certificates of reservation and location, receipts, conveyances from said Indian reservees and certificates thereon, reference being thereto had. And your orators beg leave to make reference, as part hereof, to exhibit No. 4 of their joint answer to said Carver's said original bill, containing copies of said certificates of said Andrew J. Edmondson, register, &c., as aforesaid, of the reservation and location of said lands, and containing also a tabular statement in brief of the contents of said receipts, deeds and certificates thereon, which exhibit No. 4 is very vlouminous, and would greatly and unnecessarily swell the record if again copied and filed herewith; wherefore your orators pray that it may be here referred to as aforesaid as "exhibit G" of this their cross-bill.

And your orators further state and charge, that afterwards, viz., some time in the spring of 1843, as they are informed, the Commissioner of the General Land Office at Washington city, illegally and without any adequate authority therefor, and in contravention of the provisions of said treaties, condemned said reservations and locations of said lands, and attempted to set them aside, although said lands had remained so reserved from sale from the time they were first reserved as aforesaid, in the undisturbed proprietorship of said respective Chickasaw Indian reservees, or their vendees, up to the time of such said illegal condemnation; and the said Commissioner of the General Land Office afterwards illegally, without authority and in contravention of the provisions of said treaties, caused the land office at Pontotoc to be opened for the sale by entry of said lands so previously reserved and located, viz., about the 17th day of May or June, 1843. But your orators are

advised and so charge, that by virtue of aforesaid reservations and locations, the respective Chickasaw Indian reservees acquired the indefeasible fee-simple title to the lands thus located to them, and the said illegal and unauthorized procedure of said Commissioner of the General Land Office was void and of no effect, and did not and could not in any wise invalidate or injuriously affect said titles of said Indian reservees, or the titles or interests of your orators derived from them as aforesaid. Your orators further charge, that previous to such illegal action of the Commissioner of the General Land Office, viz., on the 20th day of January, 1843, said Hiram Carver made a pretended application and offer at the offices of the register and receiver of the land office at Pontotoc, to enter the lands here claimed at 12½ cents per acre, although the same had been and were then reserved from sale as aforesaid, but was not permitted by said register and receiver to enter the same; and that on account of said pretended offer to enter the same, said Carver sets up claim to said lands, as is shown in and by his said original bill, which claim, your orators are advised and charge, is void and of no effect.

Your orators further charge, that since said illegal condemnation of said reservations and locations by said Commissioner of the General Land Office at *Pontotoc*, Washington, and subsequent opening of the land office at Pontotoc for the sale by entry of said reserved lands, the other defendants to this cross-bill, with full notice of such said reservations and locations, and of such illegal and unauthorized condemnation thereof, afterwards, at the various times respectively indicated in the "exhibit A" of said Carver's original bill, and in said "exhibit F" of this cross-bill, entered the respective tracts or parcels of said reserved lands designated as having been so entered by them upon said two last-named exhibits, paid them out of said land office, and now claim title thereto under and by virtue of such entries, which entries, your orators are advised and here charge, were illegal, inoperative, and void, and communicated no title to said defendants, and do not in any wise affect injuriously the title or claim of your orators derived from said Indian reservees under their aforesaid purchases from them. All said lands herein claimed and referred to are part of the Chickasaw cession of lands, and lying in aforesaid northern district of Mississippi.

Your orators further charge, that if they are mistaken in saying that all the defendants hereto (other than said Carver) entered said lands named in said "exhibit F," they claim some interest in the same adversely to your orators, either by such entry or by purchase or transfer from others who did enter the same, or derived in some other way unknown to your orators. And your orators further pray, that they may have leave hereafter to make defendants hereto of any other persons not herein specified, whom they may discover to be necessary and proper as such. To the end, therefore, that the said defendants may, if they can, show why your orators should not have the relief hereby prayed, and may, upon their several and respective corporal oaths and according to the best and utmost of their several and respective know-

ledge, remembrance, information, and belief, full, true, direct, and perfect answer make to the several interrogatories hereinafter numbered and set forth, that is to say:

1st. Whether the lands here claimed by your orators, as designated and referred to in this cross-bill, were not, at the times indicated in their "exhibit F," and at any other times regularly, duly, and legally, and in strict compliance with the provisions of the aforesaid treaties of October 20, 1832, and May 24, 1834, reserved from sale and located to the respective Chickasaw Indian reservees designated upon said "exhibit F," and whether or not they remained so reserved from sale till the said reservations and locattons were condemned by the Commissioner of the General Land Office at Washington city, and attempted to be set aside, and whether they were not so condemned; and if so, at what time, and whether after said reservation and location, and previous to such condemnation of the same, they were not sold and conveyed by the respective reservees to your orators, as charged in their cross-bill.

2d. Whether the defendant, Hiram Carver, does not claim title to all the lands claimed in this cross-bill, or some interest in the same adversely to your orators, on account of having offered to enter the same at the land office at Pontotoc at 12½ cents per acre, as charged in the cross-bill, or whether he derives his claim from any other and what source, and at what time did it accrue.

3d. Whether or not the other defendants, or any of them, to this cross-bill, claim any title to or interest in the lands or any part thereof, which are set forth in "exhibit F" of the cross-bill; and if so, was that title or interest derived from entry of said land at the land office at Pontotoc, after the condemnation of the aforesaid reservations and locations by the Commissioner of the General Land Office at Washington city, or at any other and what time or times, or was it derived from any one who did so enter the same, or from any other and what source adverse to the claim of your orators. Let each of said defendants particularly specify any and all of the lands set forth in said "exhibit F," which are claimed by him adversely to your orators, and set out fully and specifically their title to said land, and when, how, and whence derived.

4th. Whether or not the defendants named in the third interrogatory above, and those under whom they claim, have fully paid for the lands claimed by them, and whether they have patents therefor, or deeds of conveyance, and from whom, and whom do they claim as having the legal title to said lands in fee; and if said lands are not fully paid for, how much is yet due therefor, and by whom and to whom.

And your orators pray that this their cross-bill may be heard at the same time with the original bill of said Hiram Carver, filed as aforesaid; that in said hearing it may be decreed by your honors, that the claim which the said Carver sets up, or any other claim which he may have adversely to your orators to any of the lands here claimed by your orators and set forth in their aforesaid "exhibits F and G," may be set aside, vacated, and made null and void, and that said Carver be there-

after perpetually enjoined from further proceeding or attempting to enforce the same, so as to throw a cloud over your orators' titles to said lands; that the other defendants to this cross-bill be required, respectively, to produce in court their patents, deeds, or other written evidences of their title or claim, respectively, to any of said lands last mentioned, claimed or held adversely to your orators in any way, and that the same may be cancelled, vacated, set aside, and held for nought, and that they yield possession of said lands to your orators, and that your orators may be decreed to be possessed of the legal title to said lands claimed in and by this their cross-bill, by virtue of the aforesaid reservation and location of said lands to said Chickasaw Indian reservees, and the sale and conveyance of the same by said Indian reservees, respectively, to your orators as aforesaid, and the proceedings thereon, and to be possessed of all title of said reservees, respectively, which they derived and enjoyed under and by virtue of said reservations and locations; and if your orators have in any thing in this their prayer mistaken the appropriate relief to which they are specifically entitled in the premises, they pray that your honor may decree to them such other or further relief as to your honor may seem meet and equitable upon the facts of their cause.

May it please your honor to grant to your orators the process of subpœna, directed to the defendants named below, to be served upon such of them as are within the jurisdiction of this court, and upon such as are without said jurisdiction whenever they may come within the same, to appear at a time to be named therein, and then and there full, true, and perfect answer to make to all and singular the premises, and further to stand to, perform and abide such further order, direction, and decree thereon, as to your honor shall seem meet, viz:

Henry Allen,
George Armstrong,
Mary Andrews,
John T. Abnernathy,
James Brown,
Gully Moon Brown,
Benjamin M. Bradford,
Samuel Bullen,
James Barbee,
Charles G. Butler,
Zachariah N. Bennett,
Cynthia Ann Bayliss,
John T. Barefoot,
James Baker,
Richard Baker,
James B. Beard,
John D. Bradford,
Robert H. Bagley,
——— Bell,
John M. Bradford,
John Beauchamp,
Levi P. Beauchamp,
William Burleson,
James Bromley,
John Bourland,
Peter F. Boone,
John H. Bell's unknown heirs,
Hugh Craft,
Samuel M. Cohen,
John Cohen,
William R. Cox,
Alfred Carter,
James A. Chapman,
Joseph I. Caldwell,
Aaron M. Cook,
Caleb Cox,
Doctor N. Cayce,
Counsell Cooper,
William G. Campbell,
Edward P. Carter,

James Caruthers,
Henry Chumpert,
Wilkes G. Connell,
Solomon M. Cunningham,
Joseph W. Chalmers,
Robert L. Crawford,
Robert Carter,
Thomas Clement,
Hiram Carver,
Eli M. Driver,
John Davis,
William H. Duke,
George W. Daton,
Henry Benson,
Morton Dudley,
Daniel J. Dunn,
Elijah H. Dubbs,
Henry Duke,
Laurence Daniel,
A——— Duberry,
P. H. Dubois,
James C. Dubois,
John R. Dubois,
Samuel Duffield,
Jane Eades,
Robert W. Edmondson,
Allen Elam,
Mary T. Ellis,
Samuel Edwards,
Solomon Evans,
Edwin C. Estis,
John J. Edmondson,
James Evans,
William Evans,
John Easley,
Julian Fowler,
John Fossett,
William Finley,
William Flat,
Daniel Flat,
James Greer,
Peyton R. Gill,
Charles F. Glesson,
Edward D. Greene,
James D. Goins,
George W. Graham,
John H. Graham,
H. T. Gilman,
Martha M. Griffis,
John C. Gleaton,
Thomas B. Hoover,
Jesse Heard,
Francis Hudson,
James M. Howry,
John C. Hubbard,
Maral Hill,
John Hiner,
John G. Henley,
Jonathan Hunt,
James M. Harris,
William G. Huddleston,
Mark Healey,
D. Y. Hall,
Wardlow Howard,
Aba Herring,
Alfred W. Harris,
Peter Hubbard,
William Hunter,
Thomas L. Jones,
John P. Jones,
William S. Jones,
Walden Jones,
Elliott Jones's unknown heirs,
Andrew J. Jones,
Israel P. Johnson,
Reuben Jones's unknown heirs,
Reverdy Johnson,
David T. Johnson,
R. Jones,
G. Johnson,
Lindsay Johnson,
William H. Kilpatrick,
Jared E. Kirly,
John Keith,
John Kemp's unknown heirs,
Jacob Kuikendall,
Allen Kendrick,
Hazel S. King,
James Kirkman,
James R. Kirkly,
Elizabeth V. Lockridge,
Littleberry Leftwick's unknown heirs,
William T. Lively,
James Laughlin,
Edward T. Leach,

William Leslie,
Margaret Ladd,
Anthony B. Lambert,
George Landon,
Absalom Levanslear,
Joseph W. Matthews,
Pitser Miller,
Mary E. Mitchell,
Austin Miller,
Jno. D. Martin,
Alexander R. Matthews,
Jno. A. McNeil,
Thomas J. Malone,
Branch Morgan,
Hugh McGehee,
Charles H. Morgan,
Holland W. Middleton,
Elizabeth Marshall,
John A. Maris,
William H. Maris,
Wiley B. Miller,
Eliza F. Morris,
Moore Moone,
Harrellson McMinn,
Benjamin McCullar,
Alexander McCullar,
James McGhee,
Andrew J. McGhee,
William S. Neilson,
Samuel H. Nelms,
William Noll,
Allen Nabors,
Richard E. Orne,
William H. P. Orne,
Benjamin F. Osborne,
James Perry,
Moses Perkins,
John Perkins,
Jacob P. Pitcock,
Grissella M. Pon,
Reuben J. Patton,
Samuel H. Paden,
John M. Paden,
Burchett Payne,
Winship S. Petty,
John Potts,
James K. Polk's unknown heirs,
Thomas E. Pearsall,
George C. ———,
Henry P. Pou,
Nicholas Payne,
Henry M. Rayburn,
Elizabeth Rayburn,
George G. Reneau,
Samuel S. Rayburn,
Daniel W. Ragsdale's unknown heirs,
Samuel Rankin,
Edmund W. Rootes,
John G. Randolph,
John Y. Roll,
Thomas J. Riley,
John C. Riley,
Steppacher & Bissenger,
Samuel B. Sheldon,
Daniel Saffarrans,
Jno. A. Sims,
Leroy Sims,
Franklin Smith,
Wiley Smith,
Andrew J. Saunders,
Geo. W. Saunders,
Stephen Saunders,
William Stockton,
Samuel Stebbins,
Moses L. Spark,
——— Shield,
Jacob Thompson,
Levi J. Taylor,
William Thrasher,
William F. Finley,
Alexander Thompson,
James Thomas,
Calvin A. Taylor,
Bennett F. Trice,
John Tally,
James H. Unthank.

ADAMS & HOUSTON, and
GOODWIN & SALE,
Solicitors for complainants Niles and Ayres.

2139.

Note for defendants, viz: The defendant, Hiram Carver, is required to answer the interrogatories above numbered 1 and 2, respectively; all the other defendants will each answer all the above interrogatories excepting only that numbered 2.

GOODWIN & SALE,
ADAMS & HOUSTON,
Solicitors for complainants.

And afterwards, to wit, on the 3d day of December, 1851, a motion was filed in this cause in the words and figures following, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS and others. } Bill in equity.

And

THOMAS N. NILES and ELI AYRES
vs.
JOSEPH W. MATTHEWS and others. } Cross-bill.

In the district court of the United States for the northern district of Mississippi.—Equity side of the docket, first Monday in December, 1851.

The complainants in the cross-bill move the court that an order be made that the cross-bill be proceeded in to a hearing, by having before the court James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, and the complainant in the original bill. That the defendants in the original and cross-bill are so very numerous they cannot, without manifest injustice, inconvenience, and oppressive delays, all be brought before the court; and the said defendants named being sufficient parties, if brought before it, to represent the conflicting interests in the questions sought to be settled by said original and cross-bills between all the parties named as defendants in each.

GOODWIN & SALE,
ADAMS & HOUSTON, } *For motion.*

And afterwards, to wit, on the 3d day of December, A. D. 1851, it being a day of the term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } Bill of equity.

THOMAS N. NILES and ELI AYRES
vs.
JOSEPH W. MATTHEWS et al. } Cross-bill.

In the district court of the United States for the northern district of Mississippi.—Equity side of the docket, first Monday in December, 1851.

The complainants in the cross-bill moved the court that an order be made that the cross-bill be proceeded into a hearing, by having be-

fore the court James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, and the complainant in the original bill. That the defendants in the original and cross-bills are so very numerous they cannot, without manifest injustice, inconvenience and oppressive delays, all be brought before the court, and the said defendants named being sufficient parties, if brought before it, to represent the conflicting interests in the questions sought to be settled by said original and cross-bills between all the parties named as defendants in each; which motion was sustained.

And afterwards, to wit, on the 6th day of December, A. D. 1851, a subpœna in chancery was issued in this cause, in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Northern district of Mississippi, ss.

The president of the United States:

To Henry Allen, George Armstrong, Mary Andrews, John T. Abernathy, James Brown, Gully Moon Brown, Benjamin M. Bradford, Samuel Bullen, James Barbee, Charles G. Butler, Zachariah N. Bennett, Cynthia Ann Bayliss, John T. Barefoot, James Baker, Richard Baker, James B. Beard, John D. Bradford, Robert H. Bagley, ——— Bell, John M. Bradford, John Beauchamp, Levi P. Beauchamp, William Burleson, James Bromley, John Bourland, Peter F. Boone, John H. Bell's unknown heirs, Hugh Craft, Samuel L. Cohen, John Cohen, William R. Cox, Alfred Carter, James A. Chapman, Joseph J. Caldwell, Aaron M. Cook, Caleb Cox, Doctor N. Cayce, Counsell Cooper, William G. Campbell, Edward P. Carter, James Caruthers, Henry Chumpert, Wilkes G. Connell, Solomon M. Cunningham, Joseph W. Chalmers, Robert L. Crawford, Robert Carter, Thomas Clement, Hiram Carver, Eli M. Driver, John Davis, William H. Duke, George W. Daton, Henry Benson, Morton Dudley, Daniel J. Dunn, Elijah H. Dubbs, Henry Duke, Lawrence Daniel, A. Duberry, Peter W. Dubois, James C. Dubois, John R. Dubois, Samuel Duffield, Jane Eades, Robert W. Edmondson, Allen Elam, Mary T. Ellis, Samuel Edwards, Solomon Evans, Erwin C. Estes, John J. Edmondson, James Evans, William Evans, John Easley, Julian Fowler, John Fosset, William Finley, William Flat, Daniel Flat, James Greer, Peyton R. Gill, Charles F. Glesson, Edward D. Greene, James D. Goins, George W. Graham, John H. Graham, H. T. Gilman, Martha M. Griffis, John C. Gleaton, Thomas B. Hoover, Jesse Heard, Francis Hudson, James M. Howry, John C. Hubbard, Maral Hill, John Hiner, John G. Henly, Jonathan Hunt, James M. Harris, William G. Huddleston, Mark Healey, D. Y. Hall, Wardlow Howard, Aba Herring, Alfred W. Harris, Peter Hubbard, William Hunter, Thomas L. Jones, John P. Jones, William S. Jones, Walden Jones, Elliott Jones's unknown heirs, Andrew J. Jones, Israel P. Johnson, Reuben Jones's unknown heirs, Reverdy Johnson, David T. Johnson, R. Jones, G. Johnson, Lindsay

Johnson, William H. Kilpatrick, Jared E. Kirkly, John Keith, John Kemp's unknown heirs, Jacob Kuikendall, Allen Kendrick, Hazel S. King, James Kirkman, James R. Kirkly, Elizabeth V. Lockridge, Littleberry Leftwick's unknown heirs, William T. Lively, James Laughlin, Edward T. Leach, William Leslie, Margaret Lad, Anthony B. Lambert, George Landon, Absalom Levanslear, Joseph W. Matthews, Pitser Miller, Mary E. Mitchell, Austin Miller, Jno. D. Martin, Alexander R. Matthews, John A. McNeil, Thomas J. Malone, Branch Morgan, Hugh McGehee, Charles H. Morgan, Holland W. Middleton, Elizabeth Marshal, John A. Maris, William H. Maris, Wiley B. Miller, Eliza F. Morris, Moore Moone, Harrellson McMinn, Benjamin McCullar, Alexander McCullar, James McGehee, Andrew J. McGehee, William S. Neilson, Samuel H. Nelms, William Noll, Allen Nabors, Richard E. Orne, William H. P. Orne, Benjamin F. Osborne, James Perry, Moses Perkins, John Perkins, Jacob B. Pitcock, Grissela M. Pou, Reuben J. Patton, Samuel H. Paden, John M. Paden, Burchett Payne, Winship S. Petty, John Potts, James K. Polk's unknown heirs, Thomas E. Pearsall, George C. ———, Henry P. Pou, Nicholas Payne, Henry M. Rayburn, Elizabeth Rayburn, George G. Reneau, Samuel S. Rayburn, Daniel W. Ragsdale's unknown heirs, Samuel Rankin, Edmond W. Rootes, John G. Randolph, John Y. Roll, Thomas J. Riley, John C. Riley, Steppacher and Bissinger, Samuel B. Sheldon, Daniel Saffarrans, John A. Sims, Leroy Sims, Franklin Smith, Wiley Smith, Andrew J. Saunders, George W. Saunders, Stephen Saunders, William Stockton, Samuel Stebbins, Moses L. Spark, ——— Shield, Jacob Thompson, Levi J. Taylor, William Thrasher, William F. Linly, Alexander Thompson, James Thomas, Calvin A. Taylor, Bennett L. Trice, John Tally, James H. Unthank, citizens of the State of Mississippi and resident in the northern district thereof,—greeting:

For certain causes offered before us in our district court for the northern district of Mississippi, sitting in chancery, we command you that laying all other matters aside, and notwithstanding any excuse, you personally appear at our district court in and for said district, sitting in chancery, to be held at the town of Pontotoc on the first Monday of June next, to answer a bill of complaint exhibited against you by Thomas N. Niles and Eli Ayres, citizens of the State of Mississippi, complainant, in our said court, and further to do and receive what our said court shall consider in this behalf. Hereof fail not, as you will answer the contrary at your peril.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, the first Monday of December, A. D. 1851, and in the seventy-sixth year of the independence of the United States.

Issued the 6th day of December, A. D. 1851.

R. W. EDMONDSON, *Clerk.*

Memorandum for defendants.

The defendants in this case are required to enter their appearance in said cause, in the office of the clerk of the district court of the United States for said district, on or before the first Monday in January next, or complainants' cross-bill may be taken for confessed.

R. W. EDMONDSON, *Clerk*.

Order of court at December term, A. D. 1851.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS and others. } Bill in equity.

And

THOMAS N. NILES and ELI AYRES
vs.
JOSEPH W. MATTHEWS et al. } Cross-bill.

In the district court of the United States for the northern district of Mississippi, equity side of the docket—1st Monday in December, A. D. 1851.

The complainants in the cross-bill moved the court that an order be made that the cross-bill be proceeded into a hearing, by having before the court James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, and the complainant in the original bill; that the defendants in the original and cross-bill are so very numerous they cannot without manifest injustice, inconvenience, and oppressive delays, all be brought before the court; and the said defendants named being sufficient parties if brought before it to represent the conflicting interests in the questions sought to be settled by said original and cross-bill between all the parties named as defendants in each; which motion was sustained.

GOODWIN & SALE,
ADAMS & HOUSTON,
For motion.

To the marshal of the northern district of Mississippi, to execute and return.

R. W. EDMONDSON, *Clerk*.

Upon which said subpœna the marshal made the following return, to wit:

Rec'd December 6, 1851.

I, Wm. McQuiston, marshal of the northern district of Mississippi, hereby constitute and appoint William S. McKee and W. H. H. Patterson my special deputies, to execute and return this writ.

Given under my hand and seal, this 8th day of December, 1851.

WM. McQUISTON, *Marshal*. [SEAL.]

Executed December 15th, 1851, on James Brown, Jacob Thompson, and John P. Jones.

WM. McQUISTON, *Marshal*,
By W. S. McKEE, *Special deputy*.

Executed on Wm. H. Duke, December 11th, 1851. Hiram Carver not found.

WM. McQUISTON,
Marshal,
By W. D. HOLDER, *D. M.*

Executed on John D. Bradford, December 11th, 1851.

WM. McQUISTON,
Marshal,
By W. H. H. PATTERSON,
Special deputy.

Order to clerk to enter pro confesso, in the words and figures following, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

The defendants to the cross-bill filed in this case by Ayres and Niles, who have been served with process of subpœna, *and* have failed to enter their appearance in the time allowed for that purpose. The clerk will be pleased, therefore, as to said defendants, to enter an order for decree of pro confesso at the February rules (Monday next.)

THOS. N. NILES and
ELY ARES.

January 31st, 1852.

To the Clerk of the district court U. S. at Pontotoc, Mi.

Rule for pro confesso in the words and figures following, to wit:

HIRAM CARVER
vs. 38.
JOSEPH W. MATTHEWS et al.

At rules, 1st Monday February, 1852.

Rule for decree pro confesso against defendants to cross-bill filed in this case by Niles and Ayres, who have been served with process, there being no appearance entered within the time allowed for that purpose.

On the 2nd day of February, 1852, a pro confesso was entered in this cause in the words and figures following, to wit:

District court of the United States for the northern district of Mississippi, in chancery sitting.

Be it remembered that on the 2d day of February, A. D. 1852, being a rule-day of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs. 38.
JOSEPH W. MATTHEWS et al.

The defendants to the cross-bill filed in this cause by Thomas N. Niles and Eli Ayres, who have been served with process, to wit: James

Brown, Jacob Thompson, John P. Jones, William H. Duke, and John D. Bradford, having failed to enter their appearance in said cause in the office of the clerk of said court within the time allowed for that purpose, said cross-bill as to said defendants is taken for confessed, and as to said defendants may be proceeded in ex parte.

R. W. EDMONDSON, *Clerk.*

Entered February 2d, 1852.

Order to clerk to enter pro confesso in the words and figures following, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

The defendant to the cross-bill, James Brown, having been served with the process of subpœna, and having failed to enter an appearance or file his answer thereto in the time allowed for that purpose, the clerk will therefore, as to said defendant Brown, enter an order for a decree of pro confesso at rules, this 1st day of March, 1852.

ELI AYRES,
THOS. N. NILES.

To the Clerk of the district court United States, at Pontotoc, Mi.

Rule for pro confesso in the words and figures following, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

At rules, 1st Monday of March, 1852.

Rule for decree pro confesso against defendant, James Brown, to cross-bill filed in this case by Niles and Ayres, who has been served with process, there being no appearance entered within the time allowed for that purpose.

On the 1st day of March, 1852, a pro confesso was entered in this cause in the words and figures following, to wit:

District court of the United States for the northern district of Mississippi, in chancery sitting.

Be it remembered that on the 1st day of March, A. D. 1852, being a rule-day of said court, the following proceedings were had at the clerk's office of said court, as stated, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

The defendant, James W. Brown, to the cross-bill filed in this case by Thomas N. Niles and Eli Ayres, who has been served with process, having failed to enter his appearance in said cause in the office of

the clerk of said court within the time allowed for that purpose, said cross-bill as to said defendant is taken for confessed, and as to said defendant may be proceeded in ex parte.

R. W. EDMONDSON, *Clerk.*

Entered March 1, 1852.

And afterwards, to wit, on the 8th day of April, 1852, a subpœna in chancery was issued in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Northern district of Mississippi.

The President of the United States:

To Henry Allen, George Armstrong, Mary Andrews, John T. Abernathy, James Brown, Gully Moon Brown, Benjamin M. Bradford, Samuel Bullen, James Barbee, Charles G. Butler, Zachariah N. Bennett, Cynthia Ann Bayliss, John T. Barefoot, James Baker, Richard Baker, James B. Beard, John D. Bradford, Robert H. Bagley, Bell, John M. Bradford, John Beauchamp, Levi P. Beauchamp, William Burleson, James Bromley, John Bouland, Peter F. Boone, John H. Bell's unknown heirs, Hugh Craft, Samuel L. Cohen, John Cohen, William R. Cox, Alfred Carter, James A. Chapman, Joseph J. Caldwell, Aaron M. Cook, Caleb Cox, Doctor N. Cayce, Counsell Cooper, William G. Campbell, Edward Carter, James Caruthers, Henry Chumpert, Wilkes G. Connell, Solomon M. Cunningham, Joseph W. Chalmers, Robert L. Crawford, Robert Carter, Thomas Clement, Hiram Carver, Eli M. Driver, John Davis, William H. Duke, George W. Daton, Henry Benson, Morton Dudley, Daniel J. Dunn, Elijah H. Dabbs, Henry Duke, Lawrence Daniel, A. Duberry, Peter W. Dubois, James C. Dubois, John R. Dubois, Samuel Duffield, Jane Eades, Robert W. Edmondson, Allen Elam, Mary T. Ellis, Samuel Edwards, Solomon Evans, Erwin C. Estes, John J. Edmondson, James Evans, William Evans, John Easly, Julian Fowler, John Fosset, William Finley, William Flat, Daniel Flat, James Greer, Peyton R. Gill, Charles F. Glesson, Edward D. Greene, James D. Goins, George W. Graham, John H. Graham, H. T. Gilman, Martha M. Griffis, John C. Gleaton, Thomas B. Hoover, Jesse Heard, Francis Hudson, James M. Howry, John C. Hubbard, Maral Hill, John Hiner, John G. Henly, Jonathan Hunt, James M. Harris, William G. Huddleston, Mark Healey, D. Y. Hall, Wardlow Howard, Aba Herring, Alfred W. Harris, Peter Hubbard, William Hunter, Thomas L. Jones, John P. Jones, William S. Jones, Waldon Jones, Elliot Jones's unknown heirs, Andrew J. Jones, Israel P. Johnson, Reuben Jones's unknown heirs, Johnson, David T. Johnson, R. Jones, G. Johnson, Lindsay Johnson, William H. Kilpatrick, Jared E. Kirly, John Keith, John Kemp's unknown heirs, Jacob Kirkendall, Allen Kendrick, Hazel S. King, James Kirkman, James R. Kirkly, Elizabeth V. Lockridge, Littlebery Leftwick's unknown heirs, William T. Lively, James Laughlin, Edward T. Leach, William Leslie, Margaret Ladd,

Anthony B. Lambert, George Landon, Absalom Levanslear, Joseph W. Matthews, Peter Miller, Mary E. Mitchell, Austin Miller, John D. Martin, Alexander R. Matthews, John A. McNeil, Thomas J. Malone, Branch Morgan, Hugh McGhee, Charles H. Morgan, Holland W. Middleton, Elizabeth Marshall, John A. Maris, William H. Maris, Wiley B. Miller, Eliza F. Morris, Moore Moone, Harellson McMinn, Benjamin McCullar, Alexander McCullar, James McGhee, Andrew J. McGhee, William L. Neilson, Samuel H. Nelms, William Noll, Allen Nabors, Richard E. Orne, William H. P. Orne, Benjamin F. Osborn, James Perry, Moses Perkins, John Perkins, Jacob B. Pitcock, Grissilla M. Pou, Reuben J. Patton, Samuel H. Paden, John M. Paden, Burchett Payne, Winship S. Petty, John Potts, James K. Polk's unknown heirs, Thomas E. Pearsall, George C. , Henry P. Pou, Nicholas Payne, Henry M. Rayburn, Elizabeth Rayburn, George G. Reneau, Samuel S. Rayburne, Daniel W. Ragsdale's unknown heirs, Samuel Rankin, Edmond W. Rootes, John G. Randolph, John Y. Roll, Thomas J. Riley, John C. Riley, Steppacher and Bissinger, Samuel B. Sheldon, Daniel Saffarans, John A. Sims, Leroy Sims, Franklin Smith, Wiley Smith, Andrew J. Saunders, George W. Saunders, Stephen Saunders, William Stocton, Samuel Stebbins, Moses L. Spark, Sheld, Jacob Thompson, Levi J. Taylor, William Thrasher, William F. Linley, Alexander Thompson, James Thomas, Calvin A. Taylor, Bennett L. Trice, John Tally, James H. Unthank, or Stephen Cocke and S. Blanton, attorneys of record, citizens of the State of Mississippi and resident in the northern part thereof—greeting:

For certain causes offered before us in our district court, for the northern district of Mississippi, sitting in chancery: We command you that laying all other matters aside and notwithstanding any excuse, you personally appear at our district court in and for said district, sitting in chancery, to be held at the town of Pontotoc on the first Monday of May next, to answer a bill of complaint exhibited against you, by Thomas N. Niles and Eli Ayres, citizens of the State of Mississippi, complainant, in our said court, and further to do and receive what our said court shall consider in this behalf. Hereof fail not, as you will answer the contrary at your peril.

Witness the Honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, the first Monday of December, A. D. *A. D.* 1851, and in the seventy-seventh year of the independence of the United States.

Issued the 8th day of April, A. D. 1852.

R. W. EDMONDSON, *Clerk.*

Memorandum for defendants.

The defendants in this case are required to enter their appearance in said cause in the office of the clerk of the district court of the United States for said district, on or before the first Monday of May next, or complainant's cross-bill may be taken for confessed.

R. W. EDMONDSON, *Clerk.*

Order of court at December term, A. D. 1851.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS & others. } Bill in equity.

And

THOMAS N. NILES and ELI AYRES
vs.
JOSEPH W. MATTHEWS et al. } Cross-bill.

In the district court of the United States for the northern district of Mississippi. Equity side of the docket—1st Monday in December, A. D. 1851.

The complainants in the cross-bill moved the court that an order be made that the cross-bill be proceeded into a hearing by having before the court James Brown, Jacob Thompson, John P. Jones, William H. Duke, John D. Bradford, and the complainant in the original bill. That the defendants in the original and cross-bill are so very numerous they cannot, without manifest injustice, inconvenience, and oppressive delays, all be brought before the court, and the said defendants named being sufficient parties, if brought before it, to represent the conflicting interests in the questions sought to be settled by said original and cross-bill, between all the parties named as defendants in each; which motion was sustained.

To the Marshal of the northern district of Mississippi, to execute and return. R. W. EDMONDSON, *Clerk.*

The marshal will only execute this subpœna upon Hiram Carver, or Cocke and Blanton, attorneys of record; the other defendants having been served with process.

R. W. EDMONDSON, *Clerk.*

Upon which said subpœna the marshal made the following return, to wit:

Rec'd on the 9th April, 1852.

I acknowledge due service of this writ on me, and waive copy of the same. STEPHEN COCKE,
One of the solicitors of Hiram Carver.

9th April, 1852.

Executed on Stephen Cocke 9th April, 1852; Blanton not found.
WM. McQUISTON,
Marshal No. dist. Mi.

Order to clerk to enter pro confesso in the words and figures following, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. }

The defendant to the cross-bill, i. e. Hiram Carver, having been

served with the process of subpœna, and having failed to enter an appearance or file his answer thereto in the time allowed for that purpose, the clerk will, therefore, as to said defendant Carver, enter an order for a decree of pro confesso, at rules, this the 3d day of May, 1852.

ELI AYRES,
T. N. NILES.

To the clerk of the district court U. S. at Pontotoc, Mi.

And afterwards, to wit, on the 23d day of April, 1852, the complainant in original bill, by attorney, deposited in the office of the clerk of said court his demurrer to the cross-bill of Thomas N. Niles, in the words and figures following, to wit:

THE UNITED STATES OF AMERICA.

District court of the United States for the northern district of Mississippi, December term, A. D. 1851.

HIRAM CARVER
vs.
ELI M. DRIVER, WM. H. DUKE, THOMAS N. NILES, JACOB THOMPSON, and others.

The demurrer of Hiram Carver to the cross-bill of Thomas N. Niles, &c.

And the said Hiram Carver, by protestation, not confessing or acknowledging all or any of the matters and things in the said cross-bill contained to be true in such manner and form as the same are set forth therein, doth demur thereto, and for causes of demurrer sheweth: 1st. That the said complainants in cross-bill are not entitled to the relief prayed by said cross-bill, by reason of the matters and things therein. 2d. It appears in and by said cross-bill that complainants have no interest in, or title to, the lands mentioned and sought to be recovered in and by said cross-bill. 3d. That the said complainants have no right to call on the said Hiram Carver of or concerning the lands mentioned in and by said cross-bill, or to any relief concerning the lands mentioned in and by said cross-bill, or to any relief concerning them or any of them. 4th. And that said cross-bill wrongfully and improperly joins other parties and interests, and other subjects matter not embraced in the original bill of complaint of the said Hiram Carver. Wherefore, and for divers other defects and causes of demurrer appearing in and by said cross-bill, the said Hiram Carver doth demur thereto, and humbly demands the judgement of this honorable court, whether he shall be compelled to make any answer to said cross-bill, and prays to be hence dismissed, with his reasonable costs in this behalf most wrongfully sustained.

BLANTON & COCKE,
Solicitors for HIRAM CARVER.

I, Stephen Cocke, one of the solicitors for Hiram Carver in the above entitled cause, do certify, that in my opinion the above demurrer is well founded in point of law. 7th June, 1852.

STEPHEN COCKE, *Solicitor.*

Personally appeared Stephen Cocke, one of solicitors for Hiram Carver, before me, Robert W. Edmondson, clerk of said court, and made oath that the above demurrer is not interposed for delay.

STEPHEN COCKE.

Sworn to and subscribed before me, this 7th June, 1852.

R. W. EDMONDSON, *Clerk.*

Exceptions by Niles & Ayres to the filing of the demurrer to the cross-bill filed the 3d day of May, 1852, in the words and figures following, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

The complainants in the cross-bill filed in this case except to the filing of the demurrer to the cross-bill by defendant Carver.

1st. Because said demurrer is not sworn to as required by the 31st rule of the practice in this court.

2d. Because there is no certificate of counsel thereto as required by said rule.

ELI AYRES,
T. N. NILES.

To the Clerk of the district court of the United States, at Pontotoc, Mi.

Motion to take answer of Duke from file, in the words and figures following, to wit:

NILES AND AYRES
vs.
JAMES BROWN. } Cross-bill.

The complainants move the court to take the answer of Wm. H. Duke to the cross-bill of complainant, filed on the 3d day of June, 1852, from the file, the same having been so filed after said bill had been taken for confessed against him. 7th June, 1852.

GOODWIN & SALE,
ADAMS & HOUSTON,
For motion.

And afterwards, to wit, on the 7th day of June, A. D. 1852, it being a day of the June term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38. Chancery.

This day came on to be heard the motion of complainants in the cross-bill filed in this cause, to take the answer of Wm. H. Duke to

said cross-bill from file in said cause, and after argument of counsel said motion was sustained, and said answer stricken from the file.

Motion to take cross-bill for confessed as to defendant Carver, filed the 7th day of June, in the words and figures following, to wit:

NILES and AYRES
vs.
JAMES BROWN and others.

The complainants in the cross-bill move the court to instruct the clerk to take the cross-bill for confessed, as against the defendant Carver, as on the 1st Monday of May last, the said defendant having failed to plead, answer or demur at that time, as required by the rule of this court; and that said order be now entered as of that day.

GOODWIN & SALE,
ADAMS & HOUSTON,
For motion.

And afterwards, to wit, on the 7th day of June, 1852, it being a day of the June term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } Chancery.

This day came on to be heard the motion of complainants in the cross-bill to instruct the clerk to take the cross-bill for confessed, as to defendant, Hiram Carver, in said cross-bill, as on the first Monday of May last; and after argument of counsel heard for and against said motion, it is considered by the court that said motion be overruled.

Motions filed in this cause on the 7th day of June, 1852, in the words and figures following, to wit:

HIRAM CARVER
vs.
JAMES BROWN et al.

Motion for rule on the defendant John D. Bradford to show cause why an attachment should not issue against him, for failing and refusing to plead, answer or demur, to complainants' bill of complaint.

COCKE, *for motion.*

HIRAM CARVER
vs.
JAMES BROWN et al.

Motion by complainant for leave to take on his part the deposition of any one or more of the co-defendants, subject to all just exceptions.

COCKE, *for motion.*

HIRAM CARVER
vs.
JAMES BROWN et al.

Motion to enlarge the time of taking the testimony in this cause, and to continue the same until the next term of this court, for reasons to be shown on the hearing of this motion. COCKE, *for motion.*

And afterwards, to wit, on the 10th day of June, 1852, it being a day of the June term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

This day came on to be heard the motion by complainant, for leave to take on his part the deposition of any one or more of the defendants, and thereupon it is ordered by the court that said motion be overruled.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

This day came on to be heard complainant's motion to enlarge the time of taking testimony in this cause, and thereupon said motion was withdrawn by complainant.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

Thursday June 10th, 1852.

This day came on to be heard complainant's motion for rule on defendant, John D. Bradford, to show cause why an attachment should not issue against him for refusing to plead, answer, or demur, to complainant's original bill of complaint. And thereupon it was ordered, adjudged and decreed by the court that said motion be sustained, and that an attachment issue, directed to the marshal of the northern district of Mississippi, commanding him to take the body of the said John D. Bradford into custody, and him safely keep until the said J. D. Bradford plead, answer, or demur to complainant's bill, unless the said John D. Bradford shall plead, answer, or demur on or before the first day of August next; and in default of his entering his plea, answer, or demurrer, that he commit him to safe custody in the county jail of Loundes county, Mississippi.

Motion to set aside cause for argument on demurrer of cross-bill, filed the 7th day of June, 1852, in the words and figures following, to wit:

Demurrer on cross-bill.

THOMAS N. NILES et al.
vs.
HIRAM CARVER et al. } 7th June, 1852.

Set this case down for argument on the demurrer to the cross-bill.

S. COCKE,
For HIRAM CARVER.

Motion to set aside pro confesso, filed the 8th day of June, 1852.

THOMAS N. NILES AND ELI AYRES
vs.
J. W. MATTHEWS et al.
} Cross-bill.

On the equity side of the district court of the United States for the northern district of Mississippi, at Pontotoc.

James Brown, William H. Duke, J. P. Jones, and Jacob Thompson, defendants in the above stated cause, move the court to set aside the pro confesso taken against them respectively by the complainants, and permit them now to appear and plead, answer or demur, to the complainant's cross-bill, for reasons assigned in their affidavits on file.

SCRUGGS & STEARNS,
Sol'rs for deft's.

June, 8th 1852.

Affidavit of James Brown, filed 8th day of June, A. D. 1852, in the words and figures following, to wit:

UNITED STATES OF AMERICA.
Northern district of Mississippi.

District court at Pontotoc, June term, 1852.

THOMAS N. NILES AND ELI AYRES
vs.
J. W. MATTHEWS et al.
} Cross-bill.

James Brown, one of the defendants in this cause, makes oath that soon after the subpœna requiring him to answer the cross-bill in this cause was served upon him, he wrote to Mr. Dowd, of Aberdeen, requesting him to obtain from the solicitors of the complainant an extension of the time for answering; and said Dowd wrote back to affiant that the solicitors for the complainants had authorized him to assure affiant that they would not take a pro confesso against him until after the first of March last, and upon said assurance affiant rested content until the latter part of February last, when he learned by a letter addressed by S. C. Blanton, esq., one of the solicitors for the complainant Carver, to Scruggs and Walter, affiant's solicitors, under date of February 17th, 1852, which letter is here referred to as a part of this affidavit, that a pro confesso had then been taken against all the defendants to said cross-bill. It is true that this statement of Mr. Blanton's is now found to have been incorrect, and that no pro confesso was actually taken against affiant until the 1st of March last; but affiant supposed, at the time the information contained in said letter was communicated to him, that the same was undoubtedly authentic, and he therefore made no attempt to enter his appearance or to file his plea, answer or demurrer, to said cross-bill, by or before the 1st of March last, as he should otherwise have done.

In consideration of the premises, affiant asks that the pro confesso taken against him in said cause may be set aside, and that he may now be allowed to file his plea, answer or demurrer to said cross-bill.

JAMES BROWN.

Sworn to and subscribed before me, this 8th day of June, A. D. 1852.

R. W. EDMONDSON, *Clerk*.

Affidavit of J. P. Jones, filed the 8th day of June, A. D. 1852, in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi.

District court at Pontotoc, June term, 1852.

THOMAS N. NILES AND ELI AYRES
vs.
J. W. MATTHEWS et al.
} Cross-bill.

J. P. Jones, one of the defendants in this cause, makes oath that when the subpœna in this cause requiring him to appear and answer the complainant's cross-bill was served upon him, he supposed (having no counsel) that it would be sufficient for him to appear at the present term of this court and answer the said cross-bill, and under this belief he took no steps to employ counsel until about the month of May, 1852, when Jacob Thompson, esq., at the request of affiant, employed counsel for him; but at that time a pro confesso had already been taken against affiant, as he is informed and believes.

Affiant is advised by his counsel, and he verily believes, that he has a just and meritorious defence to the said cross-bill, and that he cannot avail himself of that defence unless the pro confesso against him be set aside. Affiant states that his past delay and present application has been prompted by no desire to protract the present litigation, which he sincerely desires to be terminated at the earliest practicable period, but has arisen solely from his ignorance of what it was necessary for him to do in the premises.

Affiant therefore asks the court to set aside the pro confesso that has been taken against him, and that he may now be permitted to file his plea, answer or demurrer to the said cross-bill.

Affiant also prays, as agent for his co-defendant, Jacob Thompson, against whom a pro confesso has also been taken, and who is now at Washington city, that the pro confesso against said Thompson may also be set aside, for reasons similar to those above stated by affiant in regard to his own case, which reasons affiant verily believes to have influenced the conduct of said Thompson in the premises, and said Thompson's case is precisely similar to that of affiant.

J. P. JONES.

Sworn to and subscribed before me, this 8th day of June, A. D. 1852.

R. W. EDMONDSON, *Clerk*.

And afterwards, to wit, on the 10th day of June, A. D. 1852, it being a day of the term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOS. W. MATTHEWS et al.

THURSDAY, *June 10th*, 1852.

This day came on to be heard the motion by defendants James Brown, Wm. H. Duke, J. P. Jones, and Jacob Thompson, to the cross-bill in this cause, to set aside the pro confesso taken against them in said cross-bill, and for leave to plead, answer or demur thereto; and after argument of counsel said motion was sustained, and it was ordered, adjudged, and decreed by the court that said pro confesso be vacated, and leave given defendants to plead, answer or demur to said cross-bill, upon the payment of all the costs of said cross-bill, including this term of the court.

And afterwards, to wit, on the 10th day of June, A. D. 1852, the defendants James Brown, J. P. Jones, Jacob Thompson, and William H. Duke, filed their demurrer to the cross-bill of the complainants Thomas N. Niles and Eli Ayres, in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi.

June term, 1852. In equity.

NILES & AYRES
vs.
JAMES BROWN et al.
Cross-bill.

The demurrer of James Brown, J. P. Jones, Jacob Thompson, and William H. Duke, defendants, to the cross-bill of the said Thomas N. Niles and Eli Ayres, complainants.

These defendants, by protestation, not confessing or acknowledging all or any of the matters and things in the said bill of complaint contained, to be true in such manner and form as the same are therein and thereby set forth and alleged, do demur in law to the said cross-bill, and for cause of demurrer show:

1st. That the said complainants and these defendants are citizens of the same State and district, and therefore this court has no jurisdiction of the parties.

2d. That the said bill is multifarious, by reason of the improper joinder of parties not connected in interest.

3d. That there is no equity apparent upon the face of the *face of the* said cross-bill. Wherefore, and for divers other good causes of demurrer appearing in the said cross-bill, the defendants do demur to the same, and to all the matters and things therein contained, and pray the judgment of this honorable court whether they shall be compelled to

make any further or other answer to the said bill of complaint, and they humbly pray to be hence dismissed, with their reasonable costs in this behalf sustained.

SCRUGGS & WALTER, and
STEARNS & HARRIS,
Solicitors for defendant.

We hereby certify, that in our opinion the foregoing demurrer is well founded in point of law.

STEARNS & HARRIS,
SCRUGGS & WALTER,
Solicitors for defendant.

We hereby waive the affidavit of defendants to the foregoing demurrer, required by the rule, June 10th, 1852.

GOODWIN & SALE,
ADAMS & HOUSTON,
Solicitors for Niles & Ayres.

Agreement between counsel, filed the 10th day of June, A. D. 1852, in the words and figures following, to wit:

NILES & AYRES
vs. } 38.
HIRAM CARVER and others.

District court of the United States for the northern district of Mississippi. June term, 1852.

It is agreed between the complainants and Hiram Carver, one of the defendants to the cross-bill, that the demurrer of the defendant Carver to the cross-bill of the complainant shall be argued in vacation on or after the 15th day of August next, at Aberdeen, so that the opinion of the court thereon shall be made previous to the first day of September next.

GOODWIN & SALE,
ADAMS & HOUSTON,
Solicitors for complainants.
COCKE & JACK,
Solicitors for Carver.

10th June, 1852.

And afterwards, to wit, on the 11th day of June, A. D. 1852, it being a day of the term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

FRIDAY, *June 11th, A. D.* 1852.

It is ordered by the court, upon the agreement of the counsel in this cause, that permission be granted the counsel to take the papers in this cause to Aberdeen.

Answer of William H. Duke to the cross-bill of Thomas N. Niles, filed the 3d day of June, 1852, in the words and figures following, to wit:

To the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, in chancery sitting.

The separate answer of William H. Duke to a bill of complaint exhibited against him and others by Thomas N. Niles and Eli Ayres, as a cross-bill in the case of Hiram Carver against Joseph W. Matthews et al., in said court, in the chancery side thereof.

This respondent, saving and reserving to himself the benefit of all exceptions to the said cross-bill for its manifold errors, informalities, and uncertainties, for answer thereto or to so much or to such parts thereof as he is advised it is material for him to answer unto, saith: That he can neither admit or deny the various allegations and charges in said cross-bill contained, except so far as they are admitted or denied in his answer to the original bill of complaint exhibited against him in said case by Hiram Carver, and calls for strict proof thereof; and, for further answer thereunto, refers to and adopts his said answer to said original bill as his answer to said cross-bill.

This respondent having fully answered said cross-bill, so far as he is advised it is material for him to make answer thereunto, prays to be hence dismissed with his costs in this behalf most wrongfully expended.

THE STATE OF MISSISSIPPI,
Pontotoc county, ss.

Personally appeared before me, R. Mitchell, an acting justice of the peace in and for said county, William H. Duke, who makes oath that the facts set forth in the foregoing answer are true, to the best of his knowledge and belief, so help me God.

WM. H. DUKE.

Sworn to and subscribed before me, this the 30th day of June, 1852.

RANDOLPH MITCHELL, [SEAL.]
Justice of the peace.

Order to set demurrer to cross-bill for hearing, filed the 5th day of July, 1852, in the words and figures following, to wit:

PONTOTOC, *July 5th*, 1852.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

The clerk will set the demurrer of James Brown, William H. Duke, John P. Jones, and Jacob Thompson, for hearing.

THOMAS N. NILES,
ELI AYRES.

Robert Edmondson, Clerk U. D. Court, Pontotoc, Mi.

And afterwards, to wit, on the 12th day of July, A. D. 1852, an attachment was issued for John D. Bradford, in the words and figures following, to wit:

THE UNITED STATES OF AMERICA,
Northern district of Mississippi, ss.

The President of the United States, to the Marshal of the northern district of Mississippi, greeting:

You are hereby commanded that you take the body of John D. Bradford, if he shall be found in your district, and him safely keep in your custody until he, the said John D. Bradford, shall plead, answer or demur to a certain bill of complaint exhibited against him and others in our said district court by Hiram Carver, complainant therein; and in default of the said John D. Bradford's filing his plea, answer, or demurrer to said bill of complaint on or before the first day of August next, you will then commit him, the said John D. Bradford, to safe custody in the county jail of Loundes county, to be discharged when he, the said John D. Bradford, shall file his plea, answer, or demurrer to said bill of complainant.

Hereof fail not, and have you this writ before our said district court, on the first Monday of December next, to make known to our said district court how you have executed the same.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States, for the northern district of Mississippi, at Pontotoc, the first Monday in June, A. D. 1852, and the 76th year of the independence of the United States.

Issued the 12th day of July, A. D. 1852.

R. W. EDMONDSON,
Clerk.

Upon which said attachment the marshal made the following return, to wit:

I, William McQuiston, marshal of the northern district of Mississippi, do hereby constitute and appoint William H. H. Patterson my special deputy to execute and return this writ.

Given under my hand and seal this 24th day of July, 1852.

WM. McQUISTON, [SEAL.]
Marshal.

Executed the within on the 28th day of July, 1852, on John D. Bradford.

WM. McQUISTON,
Marshal.

By WM. H. H. PATTERSON,
Special deputy.

Motion to revive against the representatives of William H. Duke, filed October 4th, 1852, in the words and figures following, to wit:

To the honorable the judges of the circuit court of the United States for the ninth judicial *district* and northern district of Mississippi.

Complaining showeth unto your honors, your orator, Hiram Carver, a citizen of the State of Alabama, lately exhibited his bill of complaint in this honorable court against Joseph W. Matthews, William H. Duke, and others, citizens of the State of Mississippi, praying to be relieved touching the matters and things in the said bill of complaint contained. Your orator shows unto your honors, that the said William H. Duke appeared to said bill and put in his answer thereto, as in and by said bill and answer now pending in said court will more fully appear. Your orator further shows, that since the filing of said bill and answer, and since the last term of the said court, the said William H. Duke has departed this life, leaving Sina Duke, Henry J. Duke, Walter G. Duke, Benjamin F. Duke, Sina A. Duke, Susan K. Duke, George W. Duke, Charles W. Martin and Martha A. Martin his wife, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson, and Sina A. Benson, his heirs at law him surviving. Your orator further showeth, that by the death of the said William H. Duke, the said suit became abated as to him.

To the end, therefore, that the said suit and all the proceedings therein may stand revived against the said Sina Duke, Henry J. Duke, Walter G. Duke, Benjamin F. Duke, Sina A. Duke, Susan K. Duke, George W. Duke, Charles W. Martin and Martha A. his wife, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson, and Sina A. Benson, heirs at law of the said William H. Duke, and be in the same plight and condition as the same were at the time of the death of the said William H. Duke, or that the said heirs may show good cause to the contrary; may it please your honors to award the process of subpœna according to the law and practice of your honors' court, against the said Sina Duke, Henry J. Duke, Walter G. Duke, Benjamin F. Duke, Sina A. Duke, Susan K. Duke, George W. Duke, Charles W. Martin and Martha A. his wife, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson and Sina A. Benson, heirs at law of the said William H. Duke, to appear and show cause, if any they can, why the said suit and proceedings therein should not stand and be revived against them, and be in the same plight and condition as the same were at the death of the said William H. Duke; and further to stand to and abide by such order and decree in the premises as to your honors shall seem meet; and, as in duty bound, your orator will ever pray.

STEPHEN COCKE,
Solicitor for complainant.

And afterwards, to wit, on the 11th day of October, A. D. 1852, a subpœna in chancery was issued in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Miss., ss.

The President of the United States:

To Sina Duke, Henry J. Duke, Walter G. Duke, Benjamin F. Duke, Sina A. Duke, Susan K. Duke, George W. Duke, Charles W. Martin and his wife Martha A. Martin, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson and Sina A. Benson, heirs at law of William H. Duke, deceased, citizens of said northern district, greeting:

For certain causes offered before us in our district court for the northern district of Mississippi, sitting in chancery, we command you, that laying all other matters aside, and notwithstanding any excuse, you personally appear at our district court in and for said district, sitting in chancery, to be held at the town of Pontotoc on the first Monday of November next, to answer to a bill of revivor exhibited against you by Hiram Carver, complainant, in our said court; and further to do and receive what our said court shall consider in this behalf. Hereof fail not, as you will answer the contrary at your peril.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States, for the northern district of
[SEAL.] Mississippi, at Pontotoc, the first Monday of June, A. D. 1852, and 76th year of the Independence of the United States.

Issued the 11th day of October, 1852.

R. W. EDMONDSON, *Clerk.*

To the marshal of the northern district of Mississippi, to execute and return.

R. W. EDMONDSON, *Clerk.*

Upon which said subpœna the marshal made the following return, to wit:

Rec'd Oct. 12, 1852, and executed same day on within named Sina Duke, Henry J. Duke, Walter G. Duke, Benjamin F. Duke, Susan K. Duke, Charles W. Martin, Martha A. Martin, Joseph P. Benson, George F. Benson and Sina A. Benson.

Executed Oct. 15, 1852, on Sina A. Duke and Francis E. Benson. Oct. 22, 1852, executed on Wm. E. Benson.

WM. McQUISTON,
Marshal,
By W. D. HOLDER, *D. M.*

I, Wm. McQuiston, marshal of the northern district of Miss., hereby constitute and appoint J. B. Parham my special deputy to execute and return this s'pa.

Given under my hand and seal this 16th Oct. 1852.

WM. McQUISTON, [SEAL.]
Marshal.

Executed on G. W. Duke Oct. 17th, 1852.

WM. McQUISTON,
Marshal,
By J. B. PARHAM,
Special deputy.

Bill of revivor against the heirs of William H. Duke, dec'd, filed October the 4th, A. D. 1852, in the words and figures following, to wit:

To the honorable judge of the circuit court of the United States for the 9th judicial circuit and northern district of Mississippi.

Complaining showeth unto your honors, your orators, Thomas N. Niles and Eli Ayres, citizens of said northern district, that Hiram Carver, a citizen of the State of Alabama, lately exhibited his bill of complaint in this honorable court against Joseph W. Matthews, William H. Duke, your orators, and other citizens of the State of Mississippi, praying to be relieved touching the matters and things in said bill of complaint contained. That your orators appeared to said bill and put in their answers thereto, as in and by said bill and answer now pending in said court will more fully appear. That at the same time your orators also filed in said court their cross-bill of complaint against the said Hiram Carver, William H. Duke, Joseph W. Matthews, James Brown, and others, the co-defendants of your orators, praying to be relieved touching the matters and things in said cross-bill contained. That the said William H. Duke appeared to said cross-bill and put in his demurrer thereto, as in and by said cross-bill and demurrer now pending in said court will more fully appear. That said demurrer had been regularly set down for argument by your orators. Your orators further show, that since the filing of said cross-bill and demurrer, and after said demurrer had been set for hearing, and since the last term of said court, the said William H. Duke has departed this life, leaving Sina Duke, Henry J. Duke, Walter G. Duke, Benjamin F. Duke, Sina A. Duke, George W. Duke, Charles W. Martin, and Martha A. Martin his wife, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson, and Sina A. Benson, Susan K. Duke, his heirs at law surviving him. Your orators further show that by the death of the said William H. Duke, the said cross-suit became abated as to him.

To the end, therefore, that the said cross-suit and all the proceedings therein may stand revived against the said Sina Duke, Walter G. Duke, Benj. F. Duke, C. W. Martin, and Martha A. Martin his wife, Henry J. Duke, Sina A. Duke, Geo. W. Duke, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson, and Sina A. Benson, Susan K. Duke, heirs at law of the said William H. Duke, and be in the same plight and condition as the same were at the time of the death of the said William H. Duke, or that the said heirs may show good cause to the contrary:

May it please your honors to order the process of subpœna according to the law and practice of this court against the said Sina Duke, Walter G. Duke, Benjamin F. Duke, C. W. Martin, and Martha A. Mar-

tin his wife, Henry J. Duke, Sina A. Duke, Susan K. Duke, George W. Duke, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson, and Sina A. Benson, heirs at law of the said William H. Duke, to appear and show cause if any they can why the said cross-suit and proceedings therein should not stand and be revived against them, and be in the same plight and condition as the same were at the death of the said William H. Duke; and further to stand to and abide by such order and decree in the premises as to your honors shall seem meet.

GOODWIN & SALE, and
ADAMS & HOUSTON,
Sol'rs for Niles and Ayres.

And afterwards, to wit, on the 11th day of October, A. D. 1852, a subpœna was issued in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi, ss.

The President of the United States:

To Sina Duke, Henry J. Duke, Walter G. Duke, Sina A. Duke, Susan K. Duke, George W. Duke, Charles W. Martin, and his wife Martha A. Martin, William E. Benson, Joseph P. Benson, George F. Benson, Francis E. Benson, and Sina A. Benson, heirs at law of William H. Duke, deceased, citizens of said northern district, greeting:

For certain causes offered before us in our district court for the northern district of Mississippi, sitting in chancery, we command you that laying all other matters aside, and notwithstanding any excuse, you personally appear at our district court in and for said district, sitting in chancery, to be held at the town of Pontotoc, on the first Monday of November next, to answer to a bill of revivor exhibited against you by Thomas N. Niles and Eli Ayres, complainants, in our said court, and further to do and receive what our said court shall consider in this behalf. Hereof fail not, as you will answer the contrary at your peril.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, the first Monday of June, A. D. 1852, and 76th year of the independence of the United States.

Issued the 11thday of October, 1852.

R. W. EDMONDSON, *Clerk.*

To the marshal of the northern district of Mississippi, to execute and return.

R. W. EDMONDSON, *Clerk.*

Upon which said subpœna the marshal made the following, to wit:

Rec'd Oct. 12, 1852, and executed same day on all of within named heirs except George W. Duke, Sina A. Duke, Wm. E. Benson and Francis E. Benson.

Executed Oct. 15, 1852, on Sina A. Duke and Francis E. Benson.

Executed Oct. 22, 1852, on Wm. E. Benson.

WM. McQUISTON,
Marshal,
By W. D. HOLDER, *D. M.*

I, Wm. McQuiston, marshal northern dist. of Miss., hereby constitute and appoint J. B. Parham my special deputy, to execute and return this s'pa.

Given under my hand and seal, this 16th Oct., 1852.

WM. McQUISTON, [SEAL.]
Marshal.

Executed on G. W. Duke, Oct. 17, 1852.

WM. McQUISTON,
Marshal,
By J. B. PARHAM,
Special deputy.

Agreement between counsel, filed the 10th day of December, A. D. 1852, in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi.

District court, December term, 1852.

HIRAM CARVER
vs.
JAMES BROWN et al. } In equity.

In order to obviate the necessity of amending the pleadings, it is hereby agreed, between the counsel for the complainant in this cause, and the counsel for the defendants James Brown, Jacob Thompson, John P. Jones, and the executors and heirs of Wm. H. Duke, dec'd, that, without any further amendment of their answers in this cause, the said defendants shall be at liberty to take and introduce proof upon the hearing, if they can obtain such proof upon the following points, viz:

1st. In relation to the times when the lands mentioned in the pleadings were first offered for sale at public auction under the proclamation of the President of the United States.

2nd. In relation to the tender alleged by the complainant to have been made by him in order to make an entry of the lands in controversy.

3rd. In relation to the taxes that may have been paid by the said defendants upon such of the lands in controversy as are claimed by them respectively.

And all such proof, duly taken, which might be admitted under proper averments in the answers of the said defendants, shall be ad-

missible under this agreement, provided the complainant or his counsel have due notice of the time and place of the taking testimony on the points mentioned.

STEPHEN COCKE,
Solicitor for Hiram Carver.
WM. F. STEARNS,
Sol. for def'ts.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS and others. } In chancery.

District court United States at Pontotoc.

I agree to waive the necessity on the part of the defendants John P. Jones and Jacob Thompson to produce on the trial of the above cause the patents mentioned in their respective answers, unless the court shall be of opinion that their production is necessary to afford proper relief to the complainant; in such case the said defendants are to produce the said patents.

STEPHEN COCKE,
Solicitor for complainant.

10th Dec., 1852.

And afterwards, to wit, on the 11th day of December, A. D. 1852, it being a day of the term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

Saturday, 11th December, 1852.

This day came the parties by their attorneys, and thereupon came on to be heard the demurrer of James Brown, Jacob Thompson, John P. Jones and William H. Duke, to the cross-bill filed in this cause by Eli Ayres and Thomas N. Niles, and after argument for and against said demurrer, the same is continued over till Monday morning next, for the further consideration of the court.

Monday, 13th December, 1852.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

This day came on to be heard again the demurrer of James Brown, Jacob Thompson, John P. Jones and William H. Duke, to the cross-bill of Eli Ayres and Thomas N. Niles, and thereupon, after further consideration, it is ordered, adjudged and decreed, that said demurrer be and the same is hereby sustained, and that said cross-bill be dismissed, and that said complainants in said cross-bill pay all costs

which have accrued on the same which have not already been ordered to be paid by other parties; and thereupon the said Ayres and Niles prayed an appeal to the Supreme Court, which is allowed.

Motion to retax the cost in this cause, filed the 7th day of December, 1852, in the words and figures following, to wit:

HIRAM CARVER
vs.
JAMES BROWN et al.

The defendants, James Brown, Jacob Thompson, and John P. Jones, move the court for a retaxation of the costs taxed against them, upon the order of the court made at the last term setting aside the pro confesso which had been taken against them upon the cross-bill of Niles and Ayres.

1st. Because the bill of costs, as taxed by the clerk, contains items of cost not authorized by the order of the court.

2d. Because the said bill of costs contains items of charge higher than are allowed by law.

STEARNS, *for motion.*

Dec. 8, 1852.

And afterwards, to wit, on the 13th day of December, A. D. 1852, it being a day of the term of said court, the following proceedings were had, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al. } 38.

Monday, 13th December, 1852.

This day came on to be heard the motion in this cause for retaxation of the costs, and for reasons satisfactory to the court the same is overruled.

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS and others. } 38.

Monday, 13th December, 1852.

By consent of parties it is ordered that the time for taking testimony in this cause be enlarged and extended till the first rule-day in May next.

On the 21st day of December, A. D. 1852, complainants in cross-bill filed their appeal bond in the words and figures following, to wit:

Know all men by these presents, that we, Thomas N. Niles, Eli Ayres, and , are held and firmly bound unto Hiram Carver, John P. Jones, Jacob Thompson, James Brown and John D. Bradford, in the sum of five hundred dollars, the payment of which well and truly to be we bind ourselves, and each of us, jointly and

severally, and our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated this day of December, A. D. 1852.

The condition of the above obligation is such, that whereas the above bound Thomas N. Niles and Eli Ayres hath prayed and obtained an appeal to the Supreme Court of the United States to reverse the judgment and decree rendered in the case of the said Niles and Ayres, complainants in the cross-bill filed in the case of Hiram Carver, complainant, against Joseph W. Matthews, John P. Jones, James Brown, Jacob Thompson, John D. Bradford, and others, defendants, in the district court of the United States for the northern district of Mississippi, at Pontotoc:

Now, if the said Thomas N. Niles and Eli Ayres shall prosecute their said appeal to effect, and answer all damages and costs, if they shall fail to make good their plea, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

THOS. N. NILES, [SEAL.]
ELI AYRES, [SEAL.]
ELIJAH SMITH. [SEAL.]

Sealed and delivered in presence of

R. W. EDMONDSON, *Clerk.*

December 17, 1852.

Upon which said bond are the following endorsements, to wit:

I, Samuel J. Gholson, judge of the district court of the United States for the State of Mississippi, approve of the within bond and security.

Given under my hand this the 20th day of December, A. D. 1852.

S. J. GHOLSON.

Filed December 21, 1852.

R. W. EDMONDSON, *Clerk.*

And afterwards, to wit, on the 9th day of December, 1853, upon motion of complainants in the original bill, the following proceedings were had in said cause, to wit:

HIRAM CARVER
vs.
JOSEPH W. MATTHEWS et al.

Friday, December the 9th, A. D. 1853.

Ordered by the court that complainant have leave to make the heirs and legal representatives of the defendant, Thomas N. Niles, deceased, parties defendant to this suit, so far as they may represent the interest of the said Thomas N. Niles in the lands charged or claimed by him in said bill; also in like manner that the said Hiram Carver have leave to make the heirs and legal representatives of the defendant, John Peyton Jones, deceased, parties defendant to this suit, so far as they may represent the interest of the said John Peyton Jones in the

lands charged in said bill as claimed by him. That this cause be continued, and commissions stand over to all the parties to take testimony until the next term of this court.

And afterwards, to wit, on the 1st day of January, a subpœna was issued in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi, ss.

The President of the United States:

To Stephen Daggett, executor of the last will and testament of Thos. N. Niles, deceased, Almira Niles, Walter Jaggar and Julia his wife, Augustus Jaggar and Mary his wife, heirs and legal representatives of the said Thomas N. Niles, deceased, greeting:

For certain causes offered before us, in our district court for the northern district of Mississippi, sitting in chancery, we command you that laying all other matters aside, and notwithstanding any excuse, you personally appear at our district court in and for said district, sitting in chancery, to be held at the town of Pontotoc on the first Monday of June next, to answer to a bill of complaint exhibited against you by Hiram Carver, a citizen of the State of Alabama, complainant, in our said court, and further to do and receive what our said court shall consider in this behalf. Hereof fail not, as you will answer the contrary at your peril.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at Pontotoc, the first Monday of December, A. D. 1853, and the 77th year of the independence of the United States.

Issued the 1st day of January, 1854.

R. W. EDMONDSON, *Clerk.*

To the marshal of the northern district of Mississippi, to execute and return.

R. W. EDMONDSON, *Clerk.*

Memorandum for defendants: The defendants herein are required to enter their appearance in this cause in the office of the clerk of said court, on or before the first Monday in June next, or complainants' bill may be taken for confessed, and this cause proceeded in ex parte.

R. W. EDMONDSON, *Clerk.*

Upon which said subpœna the marshal made the following return, to wit:

Came to hand 11th February, 1854, and executed on Stephen Daggett the same day; the other defendants not found.

C. R. JORDAN, *Marshal, &c.,*
By E. W. ROATES, *D. M.*

On the 1st day of January, A. D. 1854, a subpœna issued in this cause in the words and figures following, to wit:

UNITED STATES OF AMERICA,
Northern district of Mississippi, ss.

The President of the United States, to Jacob Thompson and Catharine his wife, and Mrs. Jones's heirs, and legal representatives of John P. Jones, deceased, greeting:

For certain causes offered before us, in our district court for the northern district of Mississippi, sitting in chancery, we command you, that laying all other matters aside, and notwithstanding any excuse, you personally appear at our district court in and for said district, sitting in chancery, to be held at the town of Pontotoc, on the first Monday of June next, to answer to a bill of complaint exhibited against you by Hiram Carver, a citizen of the State of Alabama, complainant, in our said court, and further to do and receive what our said court shall consider in this behalf. Hereof fail not, as you will answer the contrary at your peril.

Witness the honorable Samuel J. Gholson, judge of the district court of the United States for the northern district of Mississippi, at
[SEAL.] Pontotoc, the first Monday of December, A. D. 1853, and 77th year of the independence of the United States.

Issued the 1st day of January, 1854.

R. W. EDMONDSON, *Clerk.*

To the marshal of the northern district of Mississippi, to execute and return.

R. W. EDMONDSON, *Clerk.*

Memorandum for defendants: The defendants herein are required to enter their appearance in this cause in the office of the clerk of said court, on or before the first Monday in June next, or complainants' bill may be taken for confessed, and this cause proceeded in ex parte.

R. W. EDMONDSON, *Clerk.*

UNITED STATES OF AMERICA,
Northern district of Mississippi.

I, Robert W. Edmondson, clerk of the district court of the United States for said district, certify that the foregoing two hundred and sixty pages contain a full, true, and perfect transcript of the original papers and proceedings filed and had in the cause therein stated, to the date of granting the appeal to the Supreme Court, and also of the appeal bond filed by complainants in cross-bill, and the order of the court reviving this cause against the legal representatives of complainant T. N. Niles, deceased, as the same remains of record and on file in my office.

In testimony whereof, I, Robert W. Edmondson, clerk of said court, have hereunto set my hand and affixed the seal of said court,
[SEAL.] at office, in Pontotoc, this the 11th day of February, 1854.

R. W. EDMONDSON, *Clerk.*